



EMAIL BULLETIN

**NEW FRAUD DETECTION FEE GOES INTO EFFECT MARCH 8, 2005
Fee Applies to Initial H-1B, Change of Employer, and L-1 Petitions**

8 February 2005

On December 8, 2004, President Bush signed into law the Omnibus Appropriations Act of FY 2005, which contains the L-1 Visa and H-1B Visa Reform Act of 2004 (hereinafter, "the Act"). As we have reported in our previous Email Bulletins and have posted on the Tindall & Foster web site, the Act imposes a new Fraud Prevention & Detection Fee in the amount of \$500, which will go into effect on March 8, 2005.

The new Fraud Prevention & Detection Fee must be collected for "initial" H-1B petitions, including petitions requesting a change of employer for individuals already in the United States in H-1B status. While new H-1B petitions which would require a new H-1B number may not be filed until on or after April 1, 2005, petitions for individuals who are changing employers do not require a new H-1B number and may be filed prior to April 1, 2005. To the extent such candidates can be identified in advance, employers should consider filing the required H-1B change of employer petition prior to March 8, 2005, in order to save the additional \$500 filing fee.

The new Fraud Prevention & Detection Fee will also apply to initial L-1 petitions for intra-company transferees, whether filed in the United States, at the U.S. consulate, or, in the case of NAFTA L-1 petitions for Canadians, at the port of entry. Employers who anticipate transferring personnel to the United States from a related entity abroad should consider filing the required petition or application prior to March 8, 2005, in order to save the additional \$500 filing fee.

Please contact your Tindall & Foster immigration attorney for additional, case-specific information regarding the application of the Fraud Prevention & Detection Fee and to initiate new filings in advance of March 8, 2005.