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Visa Reciprocity Changes

On December 23, 2019, without prior notice, the U.S. Department of State (“DOS”) published significant changes to the Visa Reciprocity schedule for Australia, impacting both the validity period of certain visas as well as additional fees that are now required of applicants upon approval of their visa applications at the U.S. Embassies abroad. According to the DOS, “The United States strives to eliminate visa issuance fees whenever possible, however, when a foreign government imposes these fees on U.S. citizens for certain types of visas, the United States will impose a “reciprocal” fee on citizens of that country for similar types of visas.”¹ This reciprocity arrangement also serves to shorten the validity periods of various nonimmigrant visas.

According to the U.S. Embassy in Australia, the following rationale was provided for the significant changes:

Executive Order 13780, which was signed by the President in March 2017, required the Department of State to undertake a worldwide review of nonimmigrant visa reciprocity agreements and arrangements. During that review, the Department of State noted discrepancies between Australia’s visa regime and that of the United States. U.S. law requires U.S. visa fees and validities to be based, insofar as practicable, on the treatment afforded to U.S. citizens. Given that Australia was unable to change its visa regime, the United States is required by law to increase fees for certain visa categories to match Australia’s practices.²

Australians are, in fact, the most impacted. The changes to the Visa Reciprocity fees and visa validity periods for Australia, effective December 23, 2019, apply to all applicants who apply for the nonimmigrant visa (“NIV”) classifications listed below:

NIV Classification	Changes in Visa Reciprocity Fees	Changes in Visa Validity Periods
B-1/B-2	N/A	Increase from 12 months to 5 years
F-1/F-2	Increase to \$305.00 for- F-1 and \$185.00 for F-2	
E-1/E-2	Increase from \$105.00 to \$3,574.00	
H-1B/H-4	Increase from \$105.00 to \$1,295.00	
L-1/L-2	Increase from \$105.00 to \$1,790.00 ³	Decrease from 60 months to 48 months

¹ <https://www.ustraveldocs.com/au/au-niv-otherfeeinfo.asp#reciprocityfees>

² Id.

³ For L-1 Blanket applicants, the \$500 Fraud Prevention and Detection fee will be deducted from the \$1,790.00 visa reciprocity fee. <https://www.ustraveldocs.com/au/au-niv-otherfeeinfo.asp#reciprocityfees>

Although the changes to the Visa Reciprocity Schedule for Australia are the most significant to date, numerous countries have experienced changes in their Visa Reciprocity Schedules in 2019 and 2020 including: Spain, India, France, Malta, Mauritania, Guinea-Bissau, Austria, Italy, Brazil, Guatemala, Taiwan, Costa Rica, and United Arab Emirates, to name a few.⁴ For example, the Visa Reciprocity Schedule for France reduced the validity period of E-1/E-2 visas to twenty-five (25) months and L-1/L-2 visas to seventeen (17) months, while increasing the visa reciprocity fee for H-1B/H-4 visas from \$160.00 to \$480.00.⁵ In addition, the Visa Reciprocity Schedule for Denmark was also recently and dramatically changed, reducing the validity period of E-1/E-2 visas from sixty (60) months to eighteen (18) months, also without prior notice.

HR Tip

These surprising and significant changes should serve as a reminder for U.S. employers and their foreign national employees to routinely check the Visa Reciprocity Schedules in advance of any applications for NIV visas to avoid surprises. It is better to plan ahead and consult with an attorney before commencing such activities in order to determine the best strategies to ensure immigration compliance and maintenance of status and employment authorization. Accordingly, we would recommend that U.S. employers and foreign national employees speak with an attorney in advance of visa processing to identify any issues or challenges that may be encountered.

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⁴ For a complete list of changes to the Visa Reciprocity Schedules, please see <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/fees/reciprocity-whats-new.html> (for 2020 changes) and <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/fees/reciprocity-whats-new-2019.html> (for 2019 changes).

⁵ <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country/France.html>