

## USCIS Fee Increase

On January 31, 2024, the United States Citizenship and Immigration Services (“USCIS”) issued a final rule to adjust certain immigration and naturalization fees. The final rule is the result of a comprehensive fee review and concludes that the current fee schedule falls short in recovering the full cost of agency operations, and, as such, USCIS is increasing their filing fees. Fees for most employment-based petitions are set to increase and the amount of the fee increase may vary depending on the size of employer. For example, “small employers,” defined as those with 25 or fewer full-time employees, may benefit from a smaller fee rate increase compared to those of larger employers. The updated fee schedule will take effect on April 1, 2024.

Notably, although the registration fee for the H-1B program is set to increase from \$10 to \$215, because the fee adjustment doesn't take effect until April 1, 2024, H-1B registrations opening in March 2024 will continue to be charged at the existing \$10 rate. In addition, USCIS implemented the Asylum Program Fee of \$600, to be paid by employers filing a Petition for a Nonimmigrant Worker (Form I-129) or an Immigrant Petition for Alien Worker (Form I-140). Each of these petitions requires a \$600 fee for each submission (\$300 for “small employers”). The fee may be waived or reduced for certain eligible organizations.

Along with the fee increases, USCIS increased premium processing timelines. Historically, the adjudication of a petition filed with premium processing was 15 calendar days. Under the new final rule, premium processing time has increased to 15 *business* days. In a separate increase due to inflation, effective as of February 26, 2024, the premium processing fees increased as follows: \$1,500 to \$1,685, \$1,750 to \$1,965, and \$2,500 to \$2,805.

Finally, the ability to fee bundle within adjustment of status filings has been eliminated. In the existing fee framework, the adjustment of status fee encompasses the costs of employment authorization documents (“EAD”) and advance parole applications. The updated fee arrangement now requires distinct charges for each of the documents. USCIS will now impose a reduced fee of \$260 for EAD applications submitted simultaneously with the adjustment application, as well as for EAD renewals while the adjustment is in progress. However, applicants will be required to pay \$630 for initial advance parole applications and subsequent renewals, with no discounts applicable for concurrent filing with adjustment applications or renewals during the adjustment process.

The full USCIS fee table schedule can be seen [here](#). Please note that some fee increases may not be applicable to certain employers depending on employer size and non-profit status. In addition, other fees not included on the final rule’s fee table schedule, such as the Fraud Prevention fee, may still be applicable to USCIS filings. If you have any questions regarding the new USCIS fee schedule, please contact a member of the Koley Jessen Immigration Department.

<b>Type of Filing</b>	<b>Current Fee</b>	<b>Final Fee (Effective April 1, 2024)</b>
H-1B Pre-Registration Fee	\$10	\$215
I-129 H-1B	\$460	\$780
I-129 H-2A - Named Beneficiaries	\$460	\$1,090
I-129 H-2A - Named Beneficiaries (small employers and nonprofits)	\$460	\$545
I-129 H-2A - Unnamed Beneficiaries	\$460	\$530
I-129 H-2A - Unnamed Beneficiaries (small employers and nonprofits)	\$460	\$460
I-129 H-2B - Named Beneficiaries	\$460	\$1,080
I-129 H-2B - Named Beneficiaries (small employers and nonprofits)	\$460	\$540
I-129 H-2B - Unnamed Beneficiaries	\$460	\$580
I-129 H-2B - Unnamed Beneficiaries (small employers and nonprofits)	\$460	\$460
I-129 Petition for L Nonimmigrant workers	\$460	\$1,385
I-129 Petition for L Nonimmigrant workers (small employers and nonprofits)	\$460	\$695
I-129 Petition for O Nonimmigrant workers	\$460	\$1,055
I-129 Petition for O Nonimmigrant workers (small employers and nonprofits)	\$460	\$530

<b>Type of Filing</b>	<b>Current Fee</b>	<b>Final Fee (Effective April 1, 2024)</b>
I-129 Petition for E and TN	\$460	\$1,015
I-131 Application for Travel Document (with biometric services)	\$575	\$630
I-140 Immigrant Petition for Alien Workers	\$700	\$715
I-485 Application to Register Permanent Residence or Adjust Status	\$1,140	\$1,440
I-485 Application to Register Permanent Residence or Adjust Status (with biometric services)	\$1,225	\$1,440
I-539 Application to Extend/Change Nonimmigrant Status (paper filing)	\$370	\$470
I-765 Application for Employment Authorization (online filing)	\$410	\$470
I-765 Application for Employment Authorization (paper filing)	\$410	\$520
I-765 Application for Employment Authorization (paper filing) (with biometric services)	\$495	\$520
N-400 Application for Naturalization (paper filing) (with biometric services)	\$725	\$760