

Show Me the Money! Increased USCIS Fees Effective April 1, 2024

February 1, 2024

The Department of Homeland Security (“DHS”) published a **final rule** adjusting the fees to file certain immigration applications with U.S. Citizenship and Immigration Services (“USCIS”). The new fees go into effect on April 1, 2024, and will result in increased fees for most filings (some of which are significantly higher). As USCIS is almost entirely fee-funded, receiving only 4% funding from congressional appropriations, this new fee schedule is designed to cover the agency’s increased operational costs to adjudicate benefits, and to reduce current and future backlogs. More details can be found in the FAQ Section of USCIS’ website, found here - **Frequently Asked Questions on the USCIS Fee Rule | USCIS**.

Notable changes in the fee schedule include, but are not limited to, the following:

- Petitions for non-immigrant workers filed on Form I-129 will no longer carry a single fee. Rather, the fee will vary depending on the classification requested, and are slated to increase for petitions filed on behalf of H-1B, (70% increase, unless a “small employer” or non-profit petitioner, for which there is no increase), TN (121% increase, unless a “small employer” or non-profit petitioner, for which there is an 11% increase), and L-1 workers (201% increase, unless a “small employer” or non-profit petitioner, for which there is a 51% increase).
- A \$600 “asylum program fee” will be required for I-129 Petitions for Non-Immigrant Workers and I-140 Immigrant Petitions for Alien Workers. This additional fee would be used to fund part of the asylum program. This fee is reduced to \$300 for small employer petitioners with 25 or fewer full-time equivalent employees and is not required for non-profit petitioners.
- Applications to Adjust Status to Permanent Residency, filed on Form I-485 will no longer carry a single filing fee when such applications are filed concurrently with a Form I-131, Application for Advance Parole and/or a Form I-765, Application for Employment Authorization. Rather, these concurrently filed applications will carry a higher filing fee.
- Increased filing fees will be required for Immigrant Petitions for Alien Workers filed on Form I-140 (2% increase), Petitions for Alien Relatives filed on Form I-130 (17% increase for an online filing and 26% increase for a paper-based filing), and Applications for Naturalization filed on Form N-400 (adjustments vary depending on nature of applicant and filing method).
- The H-1B registration fee, required for every candidate submitted in the annual H-1B lottery, will increase from \$10 to \$215 (2,050% increase). Note: This increase will not impact the FY 2025 H-1B CAP registration period to be held March 6, 2024, through March 22, 2024, as the increased fees go into effect on April 1, 2024. Therefore, for the upcoming H-1B CAP registration period in March 2024, the fee will remain at \$10 per submission.

Other notable changes include the following adjustments:

- Premium processing timelines for all applications will now be measured in business days, as opposed to calendar days, thereby increasing the timeline for adjudications under the agency’s premium processing service;

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- Most new fees will now incorporate any biometric fee that was previously required to be paid separately; and
- Lower fees will be available for most applications filed online, where an electronic filing method is available.

Finally, in a separate rule, **Federal Register :: Adjustment to Premium Processing Fees** premium processing fees are set to increase on February 26, 2024. Notably, the premium processing fee for I-129 Petitions filed on behalf of H-1B, L-1, and TN workers will increase to \$2,805. Most I-140 Petitions for Immigrant Workers will be subject to this same premium fee as well. USCIS's premium processing service is optional, and therefore this new fee is only incurred if premium processing is specifically requested.

The entirety of the fee changes in USCIS's final rule are extensive, and therefore not every adjustment can be specifically mentioned in this writing. Several of these fee adjustments are significant, resulting in increased costs to both employers and employees. For this reason, please contact the Miller Canfield immigration team if you wish to discuss these changes and their potential impact in advance of the April 1, 2024, effective date. *This information is based on the facts and guidance available at the time of publication and may change.*