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Federal Court Halts USCIS Filing Fee Increases Nationwide

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As indicated in our [alert](#) of August 4, 2020, the US Citizenship and Immigration Services (USCIS) published a final rule to increase fees on most immigration benefit filings. These new fees were scheduled to be effective for cases postmarked on October 2, 2020 or later.

Yesterday, September 29, 2020, a US district judge in California granted a preliminary injunction that temporarily halts implementation of these new fees. This injunction applies nationwide. The plaintiffs filing for the injunction are a group of nonprofit organizations who made their case based on claims that the acting Secretary of Department of Homeland Security (DHS), Chad Wolfe, was improperly appointed in violation of rules of succession. These rules had been revised by former DHS Secretary Kirstjen Nielsen at the time of her departure and those revisions have now been deemed improper by two federal courts.

This ruling halting the fee increase is temporary based on the court's preliminary injunction. Ultimately, USCIS may be able to implement these increases. For now, immigration attorneys and clients can continue to file cases using the current USCIS [filing fee structure](#) and avoid having to rush to file cases to beat these increases.

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