

USCIS Proposes Fee Increases

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Hoping to recover some of its operating costs, reduce backlogs, and reestablish timely case processing, USCIS is proposing to adjust its fees for the first time since 2016.

The proposed rule is predicted to generate close to an additional \$2 billion per year, on average, for USCIS by keeping humanitarian case fees low and adding costs to business-related petitions and applications. The idea is that the fees will be [based on the filers' ability to pay](#).

However, raising the fees on business visa petitions and applications fails to recognize that small businesses may not be able to absorb these costs and will be at a competitive disadvantage in the search and retention of talent – even if large companies might be able to cope with the increases.

The [proposed fee increases](#) include:

- H-1B Cap Registration Fee – \$215 (currently, \$10)
- H-1B Filing Fee – \$780 (currently, \$460)
- L-1 Filing Fee – \$1,385 (currently, \$460)
- O-1 Filing Fee – \$1,055 (currently, \$460)
- E and TN Filing Fee – \$1,015 (currently, \$460)
- I-765 EAD Paper Filing Fee – \$650 (currently, \$410)
- I-765 EAD Online Filing Fee – \$555 (currently, \$410)
- I-131 Application for Travel Document – \$630 (currently, \$575)
- I-485 Application for Adjustment of Status – \$1,540 (currently, \$1,140)
- Petition by Investor to Remove Conditions on Permanent Residence – \$9,525 (currently, \$3,750)

Beyond the proposed fee changes, USCIS is [also proposing](#):

- Generally incorporating biometrics costs in the main benefit fee
- Establishing separate filing fees for Form I-129 petition types
- Limiting the number of beneficiaries allowed on certain petitions for nonimmigrant workers
- Revising the premium processing timeframe from 15 calendar days to 15 business days
- Instituting lower fees for certain cases filed online
- Instituting a new \$600 surcharge on all fee-paying receipts I-129 and I-140 petitions to cover

costs associated with asylum processing. This surcharge would apply to all initial petitions, changes of status, and extensions of stay.

The 60-day comment period on the proposed rule begins on January 4, 2023, and it continues through March 6, 2023. The new fee rule will not go into effect until after received comments are reviewed and the final rule is published in the Federal Register.

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National Law Review, Volume XIII, Number 5

Source URL: <https://natlawreview.com/article/uscis-proposes-fee-increases>