

USCIS Proposes Fee Hikes, Increases Will Not Take Effect for Several Months

Article By:

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U.S. Citizenship and Immigration Services [released a proposal](#) Tuesday to increase fees for immigration benefit requests, including all high-skilled classifications.

Key Points:

- The proposal would increase fees by an overall weighted average of 40 percent.
- The proposal includes separate fees for different Form I-129 categories (see table below). USCIS is not proposing to split the Form I-129 into separate forms at this time but may do so in the future.
- The proposal would change how USCIS calculates premium processing times to use business days rather than calendar days.
- USCIS will publish the proposal in the Federal Register tomorrow, Jan. 4. Once it is published, USCIS will accept comments from the public for a 60-day period.
- The agency will then review the comments before formulating a final rule. Because the proposal is a “major rule,” USCIS must submit a report to Congress regarding the final rule and will not be able to implement it until at least 60 days after that.

Additional Information: USCIS has not increased fees since 2016. The Trump administration issued a regulation to increase fees in 2020 but was blocked in court from implementing it. USCIS has stated it needs additional funding to continue to work through backlogs, restore reasonable processing times and prevent future backlogs.

USCIS will hold a virtual public listening session during which the public may speak directly on the questions raised in the proposed rule. This session will be held at 2 p.m. ET on Wednesday, Jan. 11. An FAQ on the proposed fee increases is available [here](#).

Separately, the State Department submitted a final rule to increase nonimmigrant and special visa application processing fees for [review](#) last week to the White House Office of Management and Budget. The text of the rule is not available, but OMB review is the last step in the rulemaking process before it can be published. The State Department [has said](#) the increases will help “ensure that the fees for providing these consular services better align with the costs of providing the services.”

BAL Analysis: The proposed USCIS fee increases would impose significant costs on employers. However, the agency may make changes to its proposal, and the higher fees will not take effect for several months. The increased State Department fees will also increase costs for employers; the exact amount of the fee increases is not known at this time. BAL will continue following the proposal and will provide updates as information becomes available. BAL will be hosting a webinar on the USCIS fee increases and their impact on employer's immigration programs in the context of talent acquisition priorities.

Proposed USCIS Fee Increases in Key Categories*

Form	Description	Current Fee (2016)	Proposed Fee (2022)	Proposed Change (\$)	Proposed Change (%)
Asylum Program Fee	N/A	\$600	N/A	N/A	
H-1B Pre-Registration Fee	\$10	\$215	\$205	2050%	
I-129	Petition for Nonimmigrant Worker — H-1	\$460	\$780	\$320	70%
I-129	H-2A Petition — Named Beneficiaries	\$460	\$1,090	\$630	137%
I-129	H-2B Petition — Named Beneficiaries	\$460	\$1,080	\$620	135%
I-129	Petition for L Nonimmigrant Worker	\$460	\$1,385	\$925	201%
I-129	Petition for O Nonimmigrant Worker	\$460	\$1,055	\$595	129%
I-129	Application for Nonimmigrant Worker: E and TN Classifications	\$460	\$1,015	\$555	121%
I-129	Petition for Nonimmigrant Worker: H-3, P, Q or R Classification	\$460	\$1,015	\$555	121%
I-130	Petition for Alien Relative — Online	\$535	\$710	\$175	33%
I-140	Immigrant Petition for Alien Worker	\$700	\$715	\$15	2%
I-485	Application to Register Permanent Residence or Adjust Status	\$1,140	\$1,540	\$400	35%
I-765	Application for Employment Authorization — Online	\$410	\$555	\$145	35%
N-400	Application for Naturalization — Online or Paper	\$640	\$760	\$120	19%
N-600	Application for Certificate of Citizenship — Online or Paper	\$1,170	\$1,385	\$215	18%

*For a full list of the proposed USCIS fee increases, see page 18 of the [proposed rule](#).

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