

United States | DHS posts final USCIS fee, H-1B rules

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The Department of Homeland Security posted a pair of final regulations Tuesday, one that will increase U.S. Citizenship and Immigration Services filing fees and another that will overhaul the H-1B selection process.

Key Points:

- **USCIS fee rule.** Under the [final USCIS fee rule](#), immigration filing fees will see their most dramatic increases in years. The fee for an H-1B petition will increase from \$460 to \$780, while the fee for an L-1 petition will increase from \$460 to \$1,385. The H-1B registration fee will increase from \$10 to \$215, though the higher rate will not be in effect for this year's H-1B registration period, which runs from March 6-22. USCIS does, however, plan to charge the higher fee for H-1B petitions once cap filing begins April 1.
- The final rule also includes a \$600 Asylum Program Fee that will be charged for each Form I-129 and Form I-140 filing. This fee will come on top of increases to base filing fees. The asylum fee had been included in a January 2023 proposed rule, though the final rule reduces it to \$300 for small employers (25 or fewer employees) and exempts nonprofit organizations. A chart summarizing the fee increases is available on page 13 of the [pre-publication version](#) of the final rule. The rule is scheduled to be officially published in the Federal Register on Wednesday, Jan. 31, with an effective date of April 1.
- **H-1B selection rule.** Under the final H-1B rule released Tuesday, USCIS will change the H-1B selection process so that each H-1B beneficiary is selected only once regardless of how many registrations are submitted on the beneficiary's behalf. This change is designed to eliminate incentives for bad actors to submit multiple H-1B registrations for the same individual — and has the potential to reduce the overall number of registrations and boost H-1B selection rates for employers. The final rule is expected to take effect March 4, 30 days after its official publication, meaning this change would be in effect for this year's H-1B lottery. USCIS has not yet finalized other portions of an October 2023 [H-1B modernization proposal](#), including some that would make changes to H-1B eligibility requirements. A pre-publication version of the rule is available [here](#).

BAL Analysis: The USCIS fee and H-1B rules have been in the regulatory pipeline for years and will have a significant impact on employers' immigration programs. The new fee schedule is scheduled to take effect April 1 and the changes to the H-1B selection process are set to take effect March 4.

DHS posted the fee and H-1B rules, which total more than 700, Tuesday at 4:15 p.m. ET. BAL continues to review the final rules and will provide updated information and resources in the coming days.

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