

## An Unwelcome Update to Start 2023: USCIS Proposing Rule to Raise Filing Fees; Set Specific Filing Fees for Different Types of I-129 Filings



# Immigration Blog

By [Andrew M. Wilson](#)

January 3, 2023 | **IMMIGRATION**

Nearly three years after a proposal to raise fees that never materialized, USCIS will again publish a proposed rule tomorrow (January 4, 2023) that would adjust its filing fee schedule, including raising filings fees and setting distinct fees for various types of I-129 filings and I-485 filings.

For context, see prior proposal to raise filing fees from July 31, 2020:

<https://lnkd.in/dpsVszG>

Under the current fee structure, the I-129 filing fee for an H-1B, L-1, O-1 is the same - \$460. That will change under this new proposed rule with large increases for certain filings.

In addition, the proposal greatly increases the fees for the normal combination of an I-485, I-765 & I-131 submission.

What is currently \$1,225 would become \$2,820 - an increase of 130%.

The rule would also revise the timing for premium processing from calendar days to business days. You would therefore pay the same premium processing fee for a slower processing time.

Some of the proposed changes include:

I-129 H-1B: Current (\$460) New (\$780)

I-129 L-1: Current (\$460) New (\$1,385)

I-129 O-1: Current (\$460) New (\$1,055)

I-129 TN: Current (\$460) New (\$1,015)

H-1B Registration Fee: Current (\$10) New (\$215)

I-485/765/131 Current (\$1,225) New (\$2,820)

I-130 Current (\$535) New (\$820)

In addition to being more a la carte with specific fees, the proposal also offers separate filing fees based on filing certain petitions online or by mail.

What is the basis for such an increase in certain filing fees? In its proposal, DHS cites an estimate that current fees will not cover expected costs. The proposal reads:

"As USCIS estimates that the current fee structure will not generate sufficient revenue to cover the projected costs of providing immigration adjudications ... fees for many immigration benefit requests will by necessity increase."

I am hesitant to rely on USCIS projections and figures as I feel they have some credibility issues in this area from the recent past. At the end of FY 2017 and 2018, they had a carryover amount of \$1.2 billion. In the spring of 2020, they were considering furloughs that thankfully became unnecessary. They now report that they expect a large gap between fees and costs.

I understand the increased costs of doing business, but increases of 201% for an L-1, 129% for an O-1, and 130% for I-485/765/131 seem excessive. There is too much volatility with these proposed fees.

I am also curious about the allocation of funds and if operations are 1) properly prioritized and 2) properly efficient. I will be providing my comments as I feel these increases are excessive.

For more information on this topic, please contact [Andrew Wilson](mailto:awilson@lippes.com); ([awilson@lippes.com](mailto:awilson@lippes.com), 716.853.5100, ext. 1345) or a member of the Lippes Mathias [Immigration](#) practice team.

# Related Team



**Andrew M. Wilson**  
Partner | Chief  
Advisory Officer |  
Team Co-Leader -  
Immigration



**Nisha V. Fontaine  
(Jagtiani)**  
Partner



**Elizabeth M. Klarin**  
Partner



**Eileen M. Martin**  
Partner | Team Co-  
Leader - Immigration  
| Team Leader -  
Canada-U.S. Cross  
Border

**Disclaimer:** The information in this post is provided for general informational purposes only, and may not reflect the current law in your jurisdiction. No information contained in this post should be construed as legal advice from our firm or the individual author, nor is it intended to be a substitute for legal counsel on any subject matter. No reader of this post should act or refrain from acting on the basis of any information included in, or accessible through, this post without seeking the appropriate legal or other professional advice on the particular facts and circumstances at issue from a lawyer licensed in the recipient's state, country or other appropriate licensing jurisdiction.