

## Higher USCIS Filing Fees Could Be Coming Very Soon



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Last January I posted about "An Unwelcome Update to Start 2023: USCIS Proposing Rule to Raise Filing Fees; Set Specific Filing Fees for Different Types of I-129 Filings". That unwelcome proposal to start 2023 may become an unwelcome reality in 2024.

AILA has alerted its members that the USCIS Final Fee Rule could be published within the next few weeks as the White House's Office of Information and Regulatory Affairs (OIRA) received the final rule containing the new fees on Monday, January 8, 2024. Based on past fee rule increases, once the rule is published in the Federal Register, it will likely become effective in 60 days.

This fee increase comes nearly 4 years after a prior proposal to raise filing fees never materialized. 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 would change

under this new rule with large increases for certain filings.

In addition, the new rule could greatly increase the fees for the normal combination of an I-485, I-765 & I-131 submission. What is currently \$1,225 could become \$2,820 - an increase of 130%.

The rule could also revise the timing for premium processing from calendar days to business days. You could therefore pay the same premium processing fee for a slower processing time. (Actually, a higher premium processing fee as that has separately also been raised.)

Some of the changes could 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 rule could offer separate filing fees based on filing certain petitions online or by mail.

What is the basis for these increases? In its proposal from last year, DHS cited an estimate that current fees will not cover expected costs. The proposal read:

"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 seems excessive.

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