

New USCIS Immigration Fees - Effective October 2, 2020

By [Elizabeth M. Klarin](#)

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The U.S. Department of Homeland Security has [announced a final rule adjusting its fee schedule](#) for many immigration and naturalization benefit requests, to help recover its operational costs. The agency asserts that current fees would leave the agency underfunded by about \$1 billion per year.

The new fees will be effective as of October 2, 2020.

U.S. Citizenship and Immigration Services (USCIS), which processes most immigration benefit requests, is fee funded—unlike most other U.S. government agencies. This means that fees collected from filings for immigration benefits fund approximately 97% of the agency's budget. However, the agency has come under intense scrutiny and criticism of late for mismanagement of funds, after proposing steep fee increases last November and requesting a \$1.2 billion bailout from Congress in May 2020. While the agency claimed that the coronavirus pandemic caused unavoidable budget shortfalls, many professionals in the immigration community believe that excessive vetting, new policies seemingly aimed at discouraging foreign nationals from applying for benefits and/or employers from hiring foreign nationals, and actions like suspending premium processing for most petitions at the beginning of the coronavirus pandemic earlier this year are the real cause of the massive budget shortfall. The agency's bailout request was based on the extremely low receipts they received at the beginning of the COVID-19 pandemic, and is meant to see the agency through the end of the calendar year.

DHS is adjusting USCIS fees by a weighted average increase of 20%. USCIS's fee structure was last updated in December 2016, increasing fees at that time by a weighted average of 21%. Surprisingly, despite its recent plea for more than \$1 billion in bailout money, the revised fee schedule indicates that DHS will meet its stated objective of preventing future USCIS shortfalls by, in some instances, *decreasing* filing fees.

You can see DHS's final rule—including a chart of all fee changes—by clicking [here](#).

Fee changes for many some of the most common business immigration-related filing requests include:

- Form I-129, Petition for Nonimmigrant Worker: This fee has been adjusted from a single form fee to fees based on the type of benefit requested. While some Form I-129-based fees have actually decreased, others have increased as much as 85%.
- Form I-140, Immigrant Petition for Alien Worker: The fee for this filing has decreased by 21% to \$555, from \$700 currently.
- Form I-485, Application to Register Permanent Residence: This fee has decreased by 1% to \$1,130, from \$1,140 currently.

- Form I-765, Application for Employment Authorization: This fee has increased by 34% (for non-DACA applications) to \$550, from \$410 currently.
- Form I-131, Application for Travel Document (non-refugee related): This fee has increased by only 3% to \$590, from \$575 currently.
- Form I-192, Application for Advance Permission to Enter as a Nonimmigrant: This fee has increased between 51% and 139%. All Form I-192 applications will, as of October 2, 2020, cost \$1,440. Currently, applications filed with U.S. Customs and Border Protection cost \$585, and those filed directly with USCIS cost \$930.

The fee that increased by the greatest margin is associated with Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal, which saw a fee increase of 535% to \$1,810, from \$285 currently. There is also a significant increase in the fee associated with applications for naturalization, which will sit at \$1,170 come October (or \$1,160 if filing online). Currently, N-400 applications cost \$320 (for applicants whose documented income is greater than 150% and not more than 200% of the federal poverty level), or \$640 (for all other applicants).

Please contact an LMWF immigration team member with any specific questions, and check back regularly on this blog for updates on changing rules and policies.

Related Team



Elizabeth M. Klarin
Partner



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



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



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

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