

IMMIGRATION INFORMATION MEMO

FEBRUARY 21, 2024

Immigration Update: Immigration Filing Fees to Increase

In late December 2023 and late January 2024, U.S. Citizenship and Immigration Services (USCIS) published a series of final rules substantially increasing the filing fees for many of the most commonly used employment-based immigration petitions and applications used to replace U.S. permanent resident cards, to obtain U.S. citizenship and to premium process immigration petitions. In most instances, nonprofit and small employers will be subject to smaller filing fee increases. USCIS states that it intends to use the additional funds generated by these filing fee increases to improve existing adjudication processes, reduce case backlogs and increase funding for other USCIS programs, such as its asylum program.

New Premium Processing Fees and Timeframes

By filing a USCIS petition through its premium processing service and paying the premium processing fee, employers can obtain a decision from USCIS in 15 days, rather than wait months for a decision. Effective Feb. 26, 2024, existing premium processing filing fees will increase from \$2,500 to \$2,805, from \$1,750 to \$1,965, and from \$1,500 to \$1,685. The new filing fees are effective for filings postmarked on or after **February 26, 2024**.

Under current rules, USCIS is required to adjudicate petitions filed through premium processing within 15 calendar days. USCIS announced that it will lengthen premium processing adjudication requirements from 15 calendar days to 15 *business* days. This means that petitioners should expect to receive decisions from USCIS concerning these petitions in three weeks, rather than two weeks.

The adjusted premium processing filing fees are as follows:

Form I-129, Petition for Nonimmigrant Worker:

- Current fees of \$2,500 will increase to \$2,805 for the following nonimmigrant visa categories:
 - E-1, E-2, E-3, H-1B, H-3, L-1A, L-1B, LZ, O-1, O-2, P-1, P-1S, P-2, P-2S, P-3, P-3S, Q-1, TN-1, and TN-2
- Current fees of \$1,500 will increase to \$1,685 for the following nonimmigrant visa categories:
 - H-2B and R-1

Form I-140, Immigrant Petition for Alien Worker:

- Current fees of \$2,500 will increase to \$2,805 for the following immigrant visa categories:
 - EB1, EB2, and EB3

Form I-539, Application to Extend/Change Nonimmigrant Status

- Current fees of \$1,750 will increase to \$1,985 for the following nonimmigrant visa categories:
 - F-1, F-2, M-1, M-2, J-1, J-2, E-1, E-2, E-3, L-2, H-4, O-3, P-4, and R-2

Form I-765, Application for Employment Authorization

- Current fees of \$1,500 will increase to \$1,685 for certain F-1 students with categories C03A, C03B, C03C (pre-completion OPT, post-completion OPT, and STEM OPT extensions)

New Petition and Application Fees

On Jan. 31, 2024, USCIS published a final rule, increasing the filing fees for certain employment-based visa petitions and applications for United States permanent residence and citizenship. In addition, USCIS will now charge a new “Asylum Program” fee on Form I-129 petitions and Form I-140 petitions. These fee increases go into effect on **April 1, 2024**.

Nonprofit employers and “small employers,” defined as employers with 25 or fewer full-time employees, are exempt from having to pay the full increase. In addition, for those applications that can be filed online and are filed online, the new filing fee will be \$50 less than the full new fee.

The schedule of adjusted fees are as follows:

- **H-1B Petitions:**
 - Current fee: \$460
 - New fee: **\$780**
 - New nonprofit and small employer fee: **\$460**
- **L-1 Petitions:**
 - Current fee: \$460
 - New fee: **\$1,385**
 - New nonprofit and small employer fee: **\$685**
- **O-1 Petitions:**
 - Current fee: \$460
 - New fee: **\$1,055**
 - New nonprofit and small employer fee: **\$530**
- **E-1, E-2, E-3, H-3, TN, P, Q, & R Petitions:**
 - Current fee: \$460
 - New fee: **\$1,015**
 - New nonprofit and small employer fee: **\$510**

- **I-485 Adjustment of Status Application:**
 - Current fee: \$1,140 (age 14 or older)
 - New fee: **\$1,440** (age 14 or older)
- **I-90 Application to Replace Permanent Resident Card:**
 - Current fee: \$455
 - New fee: **\$465**
 - New fee if filed online: **\$415**
- **N-400 Naturalization Application:**
 - Current fee: \$640
 - New fee: **\$760**
 - New fee if filed online: **\$710**
- **New Asylum Program Fee for I-129 and I-140 Petitions:**
 - New fee: **\$600**
 - New small employer fee: **\$300**
 - New nonprofit employer fee: **\$0**

If you have any questions concerning this client alert, please contact [Alice B. Stock](#), [Elizabeth A. Heifetz](#), any other attorney in Bond's [immigration practice](#) or the attorney at the firm with whom you are regularly in contact.

