



This document contains ASISTA's notes from the USCIS national engagement. These notes, which focus on the portions of the engagement that are most relevant to practitioners representing immigrant survivors, have not been reviewed by USCIS and all content is paraphrased from the information and responses provided by USCIS.

USCIS National Engagement: 2024 Final Fee Rule

Date of Engagement: February 22, 2024

ASISTA Notes:

USCIS Presentation:

ASISTA Note: USCIS has posted their [slides](#) to the *Electronic Reading Room*.

1. Summary and Background

a. Summary

- i. Final fee rule was published on January 31, 2024
- ii. New fees will be effective on April 1, 2024, 60 days after publication
- iii. All form fees will be removed from form instructions. See: [G-1055, Fee Schedule](#) to determine applicable fees
- iv. The [online fee calculator](#) will be updated on April 1, 2024

b. Background

- i. Comprehensive fee review concluded need to raise additional revenue from fee-payers
- ii. The rule allows USCIS to recover operational costs more fully
- iii. USCIS reviewed and considered over 5,400 unique comments following the January 4, 2023 proposed rule and you can see that in the fee rule document. In a way, the final rule is putting out a response to those comments
- iv. Under this rule, USCIS expects to receive an average of \$4.42 billion per year. That is 14% less revenue and, thus, less cost and burden to filers, than what was proposed in the January 2023 proposed rule. That comes

about because USCIS was able to find over \$730 million per year in estimated cost savings through improved efficiency and actions here in the agency. So that helped to bring down the costs to the filers and petitioners and yet still be able to fund our activities.

- v. Every fee in the final rule is either lower than or the same as the NPRM. This allows USCIS to maintain operations and more fully respond to petitioners
- vi. The last fee schedule increase was in 2016. With review, found need for increase in that fee schedule

2. USCIS funding

- a. Funding comes 96% from filing fees and 4% from appropriations
- b. Final rule:
 - i. Generates an additional \$1.14 billion per year, on average, compared to the current baseline, to support current and projected workloads and to avoid backlog accumulation:
 - 1. Increase personnel and supporting annual pay raises, which includes recruiting, attracting, retaining people
 - 2. Contract costs
 - 3. Customer service and communications
 - a. Will be able to apply things to call centers, operations
 - b. Will allow USCIS to better support public inquiries and provide information to applicants on where their petition is
 - 4. Officer training
 - 5. FOIA responses, plus secure mail to protect information and data
 - 6. Lockbox activity
 - 7. Asylum and refugee support
 - a. Has been a bigger impact on the agency in the recent past
 - b. We need to be ready for those applications and petitions and the additional work coming to us

3. Core Elements

- a. For individual filers, the final rule generally limits newly established fees to no more than the increase in the Consumer Price Index since December 2016, which was approximately 26%. Many fees increase by well under 26%
 - i. Essentially, we're taking into inflation into consideration and how much the cost of things has gone up and applying that to our fees
- b. Fee increases are held to a low level for naturalization and adoption filings
- c. Maintains existing fee waiver eligibility and expands fee exemptions for certain humanitarian and other beneficiaries
- d. Reduces filing fees for online filings

- e. Removes the separate biometric services fee (except for certain TPS and EOIR forms)
 - f. Revises the premium processing timeframe interpretation from calendar days to business days, to better serve the public
4. Forms and Grace periods
- a. We will accept prior editions of **most** forms during a grace period from April 1 through June 3 filed with the correct fee
 - b. We will use the postmark date of a filing to determine which form version and fees are correct, but will use the received date for purposes of any regulatory or statutory filing deadlines and for when the premium processing clock starts
 - c. **There is no grace period for fees. All forms must include the new fee on April 1st.** If the new fee is not included, the filing will be rejected
 - d. There will be no grace period for following form editions and new forms must be used starting April 1st:
 - i. Form I-129, Petition for a Nonimmigrant Worker;
 - ii. Form I-129CW, Petition for a CNMI-Only Nonimmigrant Transitional Worker;
 - iii. Form I-140, Immigrant Petition for Alien Workers;
 - iv. Form I-600A, Application for Advance Processing of an Orphan Petition
 - v. (and supplement 1, 2 and 3); and
 - vi. Form I-600, Petition to Classify Orphan as an Immediate Relative (and supplement 1, 2 and 3)
 - e. Note: we will publish an OMB-approved preview version of the 04/1/24 version of the form on each form's landing page as soon as possible before April 1st. Until then, we have posted links to Regulations.gov on these landing pages for a redline version of our anticipated changes
 - i. Expectation is to have the 04/1/24 versions online approximately 30 days before the effective date
5. Payments
- a. USCIS will not redeposit payments returned as unpayable for a reason other than insufficient funds (we are required by the Treasury Department to redeposit for insufficient funds)
 - b. Fees paid to USCIS using a credit card are not subject to dispute, chargeback, forced refund, or return to the cardholder for any reason except at the discretion of USCIS
 - i. This is because there has been a recent trend of increasing disputes when processing is delayed or the applicant disagreed with the decision on the case
 - c. Eliminates the \$30 returned check fee
 - i. Makes processing easier on USCIS and applicants/petitioners

6. Fee Exemptions

- a. Codifies existing fee exemptions and provides new fee exemptions for:
 - i. Certain humanitarian categories of benefit requestors through AOS (e.g., T and U nonimmigrants, VAWA self-petitioners, SIJS);
 - ii. Adoption-related fees for second approval extensions, second changes in country, duplicate approval notices, and certificates of citizenship and naturalization; and
 - iii. US military servicemembers and our Afghan allies
- b. **IMPORTANT: the Form I-912 waiver request is not necessary when there's an exemption**

7. Fee Waivers

- a. There's a broad range of fee waivers set in policy with our agency and we maintain those and codified those in the fee rule to put them into the rules and regulations and put them in the registry
- b. Final rule maintains and codifies existing fee waiver eligibility criteria:
 - i. Receipt of means-tested benefits
 - ii. Income at or below 150% of Federal Poverty Guidelines (FPG)
 - iii. Extreme financial hardship
- c. Use Form I-912 or submit a written request for fee waiver along with documentation of eligibility
- d. **IMPORTANT**: do not submit a fee if you're requesting a fee waiver. Otherwise, per USCIS policy, USCIS will process the fee at intake and *not* adjudicate the fee waiver request. If you submit the filing fee with a fee waiver request, you will not receive a fee waiver.

8. Online filing

- a. In most cases, there will be a \$50 discount for forms filed online. This is our effort to incentivize online filing as well as to recognize that we have the paper form and don't need to process all the paper forms
 - i. **Exception**: when the form fee is already provided at a substantial discount or USCIS is prohibited by law from recovering its costs, the \$50 discount for filing online does not apply
- b. Forms currently not available online (these forms do not get a discount because they are not currently available online but, as more forms do become available online, we will re-examine whether they are eligible for a \$50 discount, based upon the criteria put forward to USCIS):
 - i. Form I-821, Temporary Protected Status
 - ii. Form I-131, Refugee Travel Document (for a reentry permit or refugee travel document)
 - iii. Form I-192, Application for Advance Permission to Enter as a Nonimmigrant, when submitted to CBP

- iv. Form I-193 Application for Waiver of Passport and/or Visa, when submitted to CBP
- v. Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal, when submitted to CBP
- vi. Form I-765, Application for Employment Authorization, for applicants who filed Form I-485 with a fee after 4/1/2024 and their I-485 is still pending
- vii. Form I-821D, Consideration of Deferred Action for Childhood Arrivals
- viii. Form I-907, Request for Premium Processing Service
- ix. Form N-400, Naturalization Application, when filed with a reduced fee
 - 1. Reduced fee for N-400 is not available online so there is no online discount (full-fee N-400 is available for discount online)
 - 2. **NOTE:** Any online drafts in progress will be deleted on April 1st because of the new form. Reminders will be sent ahead of time
- x. Registration requirement for petitioners seeking to file H-1B petitions on behalf of cap-subject aliens
- xi. Asylum Program Fee or other ancillary fees for Forms I-129 or I-129CW
- xii. Forms I-129, 129CW, and I-140 for small employers and nonprofits. I-821
- c. New forms will be available online on April 1st. You will NOT be able to submit older versions of forms online after April 1st

9. Biometrics

- a. No separate biometric services fee
- b. USCIS biometric services costs are spread among requests which require biometric services – storage and maintenance of biometric information, obtaining background checks, operating the application support centers, identity verification, and creating secure documents.
- c. A separate biometric services fee of \$30 will still be required for Form I-821 and EOIR Forms EOIR-40, EOIR 42A, and EOIR 42B, however. (Note that \$30 is a discounted fee)

10. Form I-485

- a. New fee is \$1440
- b. Reduced fee for children under 14 will remain less than the full fee for adults, when they're filing with a parent. That reduced fee is \$950
- c. Exemptions:
 - i. T nonimmigrants
 - ii. U nonimmigrants
 - iii. VAWA self-petitioners and derivatives
 - iv. Abused spouses & children adjusting under CAA and HRIFA
 - v. Afghan and Iraqi Special Immigrant Visas
 - vi. SIJS

- vii. Refugees
- viii. Current and former U.S. armed forces service members, including persons who served honorably on active duty in the U.S. armed forces filing under INA sec. 101(a)(27)(K)

11. I-485 Bundling

- a. With the new rule, the fees for the I-765 and I-131 will **not** be bundled or fee exempt when filing for adjustment (I-485)
- b. This is a key change from the current structure. It allows USCIS to have those different services available as different needs apply to applicants/petitioners
- c. Fees:
 - i. Form I-765 fee is \$260, if filed in connection with a Form I-485 that was filed with fee after the fee rule goes into effect (April 1, 2024)
 - 1. However, in general, if you filed a Form I-485 before April 1, 2024, and paid the fee, then you do not need to pay for Form I-765 or I-131 renewals while that Form I-485 is pending
 - ii. Form I-131 is \$630. No fee exemption for an I-131 filed in connection with an I-485 that was filed after April 1st
 - iii. Form I-130 is \$625 (online filing); \$675 (paper filing)

12. Adoptions Fees

- a. Revises certain USCIS processes for adoptions from countries that are not parties to Hague Adoption Convention (orphan cases)
- b. Form I-600
 - i. \$920 fee applies if more than one Form I-600 is filed based on an approved and valid Form I-600A before the proposed adoption (no additional fee for children who are birth siblings); or
 - ii. \$920 fee applies for Form I-600 combination filing change in marital status after suitability approval (no fee applies while it is pending).
- c. Form I-600A
 - i. \$920 fee applies if change in marital status after Form I-600A approval (no fee applies if still pending)
- d. Form 600A/I-600 & I-800A Supplement 3:
 - i. \$455 applies for 3rd extension of approval & subsequent filings or significant change and updated home study with no request for 1st or 2nd extension or change of country
- e. Exemptions
 - i. First and second extensions
 - ii. First and second changes in country
 - iii. Duplicate approval notice request
 - iv. Certificates of citizenship regardless of age (N-600 and N-600K)

13. Form N-400

- a. Fees: Paper filing = \$760; Online filing = \$710; Reduced Fee = \$380
 - b. Fee waiver eligibility remains the same, including for household income less than 150% of FPG
 - c. Reduced fee extended to those with household up to 400% FPG
 - d. All applicants must submit biometrics. The new fee rule removes separate biometrics fee
14. N-400 Reduced Fee
- a. Fee is \$380 and final fee rule makes it available for those with household incomes up to 400% of FPG
 - b. Must file on paper, with all required documentation. Reduced fee option not available online yet
 - c. New N-400 includes the reduced fee request in Part 10. The Form I-942 will be discontinued
 - d. During the grace period, applicants may request a reduced fee using the previous N-400 version, but must submit Form I-942
15. TPS and DACA
- a. No major changes, except consider biometrics
 - b. TPS
 - i. Form I-821 = \$50 for paper and online filing (no change; fee set in statute)
 - ii. Biometrics = \$30 (lower fee)
 - iii. Form I-765 = \$520 (paper filing; may submit fee waiver request); \$470 (online filing)
 - c. DACA
 - i. I-821D = \$85 (no change)
 - ii. I-765 = \$520 (paper); \$470 (online)
 - 1. There is no fee waiver for I-765 for DACA applicants. The fee is required if you are applying for DACA employment authorization.
16. Resources
- a. Final fee rule: [final rule text](#) (Federal Register) and [full regulatory docket](#) (Regulations.gov)
 - b. Fee rule FAQ (includes fee table):
<https://www.uscis.gov/forms/filing-fees/frequently-asked-questions-on-the-uscis-fee-rule>
 - c. Form G-1055, Fee Schedule: All new edition forms and fees will be found here on April 1, 2024 – www.uscis.gov/g-1055
 - d. FPG: <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>

Q&A Portion

1. **Question:** For humanitarian applications that are fee exempt, do we need to file Form I-912 or simply file the application?
 - a. **Response:** For anything with a fee exemption, do not file the I-912 or the fee, either.
2. **Question:** There seem to be several different add-ons to new fees, will USCIS prepare a chart or other document to make clear what the fee structure is for a specific case? It's unclear who pays the additional humanitarian fee and when it is paid.
 - a. **Response:** Table 5 includes that information and we will flesh it out more in our [FAQs](#). The final fee rule kept the current fee exemptions and added additional exemptions. For those categories, the I-485 and I-765 are free. The fee exemptions for VAWA self-petitions includes the self-petitioner and derivatives. For T and U nonimmigrants, it includes those granted T and U nonimmigrant status.
3. **Question:** If naturalization applicants have income under 400% of the FPG, should they apply for a fee reduction on the N-400 or the I-942? What documentation should people supply to verify their income for the reduced fee?
 - a. **Response:** Make sure to know whether you're filing a fee waiver or reduced fee. Applicants must file requests for reduced fee or fee waiver on paper. N-400s can only be filed online if paying the full fee. If you're requesting a fee waiver, you can file the Form I-912 or written request, based on the three eligibility categories. If filing with the reduced fee, the Form I-942 is merged into the N-400 so you only need to file the N-400 and request the reduced fee in Part 10 and send the reduced fee. **Do not file a fee if you're requesting a fee waiver.** If requesting the reduced fee, do not submit the full fee. For the reduced fee and fee waiver requests, submit the same documentation you do now.
4. **Question:** If forms are postmarked by March 31st, will the current fees apply, even if USCIS doesn't receive the form before April 1st? For example, if an adjustment packet is postmarked by March 31st and USCIS receives it after April 1st, will USCIS accept the current fee or will USCIS require the new fee?
 - a. **Response:** Yes, the fee is based on the postmark date, not the receipt date.
5. **Question:** Can you help define how the postmark rule is implemented by lockbox staff when it comes to commercial couriers (such as FedEx, UPS)?

- a. **Response:** Lockbox accepts FedEx, UPS, and DHL, as well. FedEx has a ship date, which is treated as the postmark date. Other services might have a “print date,” which serves as a postmark date. If no date is visible on the package, we assume the postmark date was 10 days before we received it.
6. **Question:** As for FedEx, the ship date is clearly printed on the shipping label. Will USCIS treat that as the postmark date? Is FedEx considered to have an invisible shipping date on the label? How are these treated?
- a. **Response:** There is a link that provides a rubric about what we detailed regarding basing postmark dates on courier packages on the ship/print date and, if neither is available, the assumption of it being 10 days before we received it.

ASISTA Note: A link was not provided at the engagement.

7. **Question:** When will you release the new forms? Vendors will need time to update form preparation software.
- a. **Response:** For forms without a grace period (I-129, I-129CW, I-140, I-600A, I-600), those forms will be online approximately 30 days before the effective date. They cannot be used before April 1st. For all other forms, given the 60-day grace period, the new editions will be posted on April 1st, to avoid confusion.
8. **Question:** For U visas, if we filed Form I-918 before April 1st, but will file the Form I-192 after April 1st, would the new fee exemption apply for the I-192? Or, because the receipt date for the I-918 is before April 1st, we would need to send fee payment with the I-192?
- a. **Response:** If the postmark date is April 1st or later, you will need to pay the new fees or do the fee exemption. If you file and the postmark date is before April 1st, if there is no fee exemption, you would have to pay the fee. If there is a fee exemption, you get the fee exemption. The fee exemption is not just for these forms but any form. We want to stress the April 1st effective date and postmark dates.
9. **Question:** A similar situation to the last question, for the I-914, does the fee exemption apply?
- a. **Response:** The fee exemption applies regardless of form type. If there is currently a fee exemption, it still applies. If there is a new exemption, it will be in effect starting April 1st.

10. **Question:** Do the fee exemptions apply to all applications by U derivatives, as well as principals? The wording seems like it does, but “derivatives” are specifically mentioned in the T exemptions, but not explicitly mentioned for U.
- a. **Response:** The U nonimmigrant filers encompasses derivative filers. Derivatives are seeking or granted Us, so they will be eligible for the exemption.
11. **USCIS Clarification on online forms:** When we post [slides](#) to the Electronic Reading Room, we’ll try to make sure it’s as clear as possible. Some forms are available to file online right now and that list is on our website. For most of those forms, starting April 1st, there is a \$50 discount for those filing online versus filing on paper. For many forms, paper is the only filing option. But we’re working to make more forms available for online filing. The rule allows us to apply the \$50 discount to new online forms in the future. There are a few exceptions for forms that are already heavily discounted or that we can’t change under statute. This is laid out in the fee rule itself and will be in the Fee Calculator on April 1st. We just want folks to understand the \$50 discount for forms available now and for forms in the future, with those few exceptions.
12. **Question:** In the past, in family-based cases with adjustment of status, the EAD and reentry permit were all included in the fee. Is it correct that after April 1 there will be a separate fee for each of these forms?
- a. **Response:** Previously, the I-131 for Advance Parole (not an entry permit) was included in the I-485 fee. After April 1st, a family-based petition with the I-485 will need to include the new fees for the I-130 and I-485 and any ancillary benefits requested (e.g., I-601, I-131, I-765). However, there will be a reduced fee for the I-765, if filed concurrently with the I-485. That reduced fee is \$260.
13. **Question:** Is there a sunset date for this asylum program fee or will this be fully funded by US companies and petitioners?
- a. **Response:** There is no sunset date in this Fee Rule. It will be reevaluated when we do a new Fee Rule.
14. **Question submitted by ASISTA, which went unanswered:** Will Form I-131 filed by U or T nonimmigrants, or VAWA self-petitioners, be fee exempt if the filing is on behalf of a family member who cannot be a derivative (for example, a grandchild of a U-1)?

ASISTA Note: ASISTA will continue seeking clarification on this.