



2024 updates to key business immigration policies

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The United States Citizenship and Immigration Services (USCIS) has recently implemented new final rules that have greatly impacted the business immigration landscape. Effective February 26, 2024, premium processing was adjusted to reflect inflationary increases from June 2021 through June 2023.[1] USCIS also introduced a new Fee Schedule, new fees, and other immigration changes which took effect on April 1, 2024.[2]

Premium Processing Updates

Premium Processing Service guarantees that USCIS will take one of several possible actions (issue an approval notice, a denial notice, a notice of intent to deny, or a request for evidence) on the immigration benefit request within a certain processing timeframe. USCIS increased the fees for premium processing of certain employment-based petitions, which effects filings postmarked on or after February 26, 2024.

The premium processing fee increase affects cases filed by U.S. employers who wish to bring foreign workers to the United States for temporary employment in various categories. Premium processing for most temporary professional visa petitions increased to \$2,805 (from \$2,500).

Applications for employment authorization for students or recent graduates are affected as well. Premium processing for these cases has increased to \$1,685 (from \$1,500). Additionally, the premium processing of change of status applications to F, M, or J status has increased to \$1,965 (from \$1,750).

Premium processing fee increases also affect petitions that qualify an applicant for permanent residency. The premium processing fee for immigrant worker petitions increased to \$2,805 (from \$2,500).

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Employers filing for specialized skill work visas and green card applications will have to pay more for faster case adjudication.

Filing Fee Updates

1. Fee Hikes

For the first time in more than seven years, the cost of some U.S. immigration and naturalization requests significantly increased. The new fees affect benefits related to employment-based visas, work authorizations, applications to register as a permanent resident, and those to apply for naturalization.

Effective April 1, 2024, USCIS increased and created separate filing fees for temporary work visas, which replaced the uniform \$460 filing fee across all temporary worker classifications. The specialty occupation work visa fee has increased to \$780; the intracompany transfer work visa fee has increased to \$1,385, and; treaty trader, treaty investor, Australian specialty occupation, and Canadian and Mexican work visa fees have increased to \$1,015. Small employers (25 full time employees or less) and 501(c)(3) nonprofits are subject to reduced fees. Employers filing a permanent residency immigrant visa petition will see a small increase in the base filing fee under the new rule to \$715 (from \$700).

Here is a list with all of the new fees.

2. Asylum Program Fee

USCIS created a new fee to support the U.S. asylum system. The rule includes a new Asylum Program Fee of \$600 for temporary work visas and permanent residency for alien workers. This is not a fee to file an asylum application, but a work visa fee to enhance efficiency of the U.S. asylum system. Qualifying nonprofit petitioners are exempt from the new fee, while small employers are subject to a reduced fee of \$300. The new Asylum Program Fee applies to all petitions (other than those filed by exempt nonprofits) – regardless of whether the petition is an initial request, an amendment, a first or subsequent extension, or a change of employer or continuation of employment with the same employer.

3. Adjustment of Status

Adjustment of Status (AOS) is a process used by certain foreign nationals already in the United States to apply for permanent residence. USCIS has imposed a standard filing fee of \$1,440 for AOS applications, with a reduced fee of \$950 for applicants under the age of 14 who are applying concurrently with a parent.

USCIS has also "unbundled" the employment authorization document (EAD) and advance parole (AP) travel document fees from the AOS filing fee. USCIS now charges a fee of \$260 for EAD applications filed concurrently with the AOS, and for EAD applications and renewals during the pendency of the AOS application. AOS applicants applying for an AP travel document must pay a fee of \$630 for the initial filing and for all subsequent AP renewals; there is no discount for AP applications concurrently filed with adjustment applications or for AP renewals during the pendency of the adjustment. EAD and AP applications that are based on adjustment applications filed prior to



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April 1, 2024, will continue to be exempt from filing fees.

Under a new policy, USCIS announced that certain EAD documents will be issued with a validity of up to 5 years;^[3] a significant increase from the current 2-year maximum. Similarly, AP documents (issued separately or together as part of a "combo" EAD/AP card) can also be issued with a term of up to 5 years.

4. Additional Changes

The fee for specialty occupation work visa cap registration will increase to \$215 (from \$10) per registered beneficiary, though the increase will not take effect until the 2026 Fiscal Year cap season, which begins in March 2025. The premium processing timeframe has also been lengthened from calendar days to business days. Additionally, USCIS is introducing a \$50 discount for applicants who choose to file online. Online filing is currently available for a limited number of forms.

How can Employers Prepare?

Most importantly, employers must prepare for the significant budget impact of these new policies. Employers should also expect to pay more for the premium processing of employer-based immigration petitions, but wait about a week longer for petition adjudication. Employers seeking to qualify for fee reductions and exemptions should be prepared to provide additional documentation to establish their eligibility for the reduced fee or exemption.

[1] <https://www.federalregister.gov/documents/2023/12/28/2023-28529/adjustment-to-premium-processing-fees>

[2] <https://www.federalregister.gov/documents/2024/01/31/2024-01427/us-citizenship-and-immigration-services-fee-schedule-and-changes-to-certain-other-immigration>

[3] <https://www.uscis.gov/save/whats-new/some-eads-can-be-valid-for-up-to-5-years-0>