



major changes coming soon to uscis fees

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MSK Client Alert

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Major fee structure changes are coming into effect that will significantly affect individuals looking to live and work in the United States, as well as the companies looking to sponsor employees from other countries. We summarize the key changes to prepare new plans and budgets in anticipation of these changes.

I. What are some key changes?

On **February 26, 2024**, U.S. Citizenship and Immigration Services (USCIS) will introduce fee increases for premium processing requests.

Premium processing is an optional service for an additional fee that provides for expedited processing of I-129 petitions for temporary work visas, I-140 work-based immigrant petitions, I-765 applications for work authorization, and I-539 applications to extend/change temporary status. With premium processing, USCIS currently issues a decision within 15 calendar days for most visa classifications, 30 calendar days for student visa-related classifications, and 45 calendar days for work-based immigrant petitions for multinational executives/managers and individuals seeking a national interest waiver. Normal processing depends on the type of petition/application, but it generally takes three months or longer.

On **April 1, 2024**, premium processing will be counted by business days (Monday to Friday, excluding federal holidays), instead of calendar days.

Additionally, USCIS will introduce the following key changes (which are explained in more detail below in Section II):

1. Different fees for temporary work visas based on the visa classification (all temporary work visas currently have one same fee);

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2. New fees for adjustment of status and related work authorization and travel document applications;
3. Fee changes based on company information, the use of online services, etc.; and
4. New form editions for I-129 petitions for temporary work visas and I-140 immigrant petitions.

Note that the postmark date will be used to determine whether form versions and fees are correct. The received date will be used to determine any regulatory or statutory deadlines.

II. What is important to keep in mind with the changes?

- **Take into account the visa classification, company size/type, and available online services when calculating fees**

USCIS will introduce different fees for I-129 petitions for temporary work visas that will be specifically based on the visa classification, such as H-1B, L, O, etc. There will also be the introduction of lower fees for small employers (25 or fewer full-time equivalent employees) and nonprofits, as well as lower fees for online filings, in most cases where applicable.

Additionally, there will be the introduction of an Asylum Program Fee of \$600 for employers filing I-129 and I-129CW petitions for temporary work visas, as well as I-140 immigrant petitions. Small employers will pay a reduced fee of \$300, while nonprofits will not need to pay.

There will be no changes to USCIS Fraud Prevention and ACWIA fees for certain H-1B and L petitions for temporary work visas.

- **Confirm if there are fee additions/reductions for ALL filings**

USCIS will also introduce separate fees for I-765 work authorization applications and I-131 travel document applications (i.e. for advance parole) that are based upon I-485 adjustment of status ("green card") applications, which previously had no additional fees. There will also be the change to no separate biometric services fee for most applicants, with the fee incorporated into the main application fee.

After an underlying work or family-based petition has been approved, individuals need to apply for adjustment of status in the United States or undergo consular processing at a consular post abroad in order to become lawful permanent residents and obtain "green cards". While the adjustment of status applications are pending for approximately 9-12 months, applicants are eligible to apply for work authorization (in case they will not have work authorized status for a period before becoming lawful permanent residents) and/or a travel document (in case they do not have H, L, K, or V status and a valid visa for travel before becoming lawful permanent residents).

- **For reference, some key changes are highlighted in the following tables: PREMIUM PROCESSING FEE TABLE (FROM FEB 26, 2024) CATEGORY NEW FEE I-129 Petition for Temporary Work Visa \$2,805; or \$1,685 for H-2B or R-1 I-140 Work-Based Immigrant Petition \$2,805 I-539 Application to Extend/Change Temporary Status \$1,965 I-765 Work Authorization Application \$1,685 FEE TABLE (FROM APRIL 1,**



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2024) CATEGORY NEW FEE H-1B Registration Process Fee \$215 (still \$10 for 2024; will be effective for the FY 2026 cap season in 2025) I-129 H-1B Petition for Temporary Work Visa \$780; or \$460 for small employers and nonprofits I-129 L Petition for Temporary Work Visa \$1,385; or \$695 for small employers and nonprofits I-129 O Petition for Temporary Work Visa \$1,055; or \$530 for small employers and nonprofits I-129 E-1, E-2, E-3, TN, H-3, P, Q, R Petition for Temporary Work Visa \$1,015; or \$510 for small employers and nonprofits I-539 Application to Extend/Change Temporary Status \$470 for paper filing; or \$420 for online filing I-140 Work-Based Immigrant Petition \$715 I-485 Adjustment of Status Application ("Green Card") \$1,440; or \$950 for applicants under the age of 14 when filing with parents I-765 Work Authorization Application \$520 for paper filing; \$470 for online filing; or \$260 if filed concurrently with I-485 Application I-131 Travel Document Application \$630 (other than I-131 Refugee Travel Documents)

III. MSK Analysis

It is more imperative than ever to work closely with Immigration Counsel to prepare new plans/budgets and to ensure that correct form editions and fees are accounted for in order to meet timelines. To benefit from the current USCIS fee structure, companies and individuals should start planning as soon as possible to file before the February 26, 2024 and April 1, 2024 dates when the fee structure will change.

MSK will continue to monitor for further developments, including possible court challenges, to the fee changes.