

Immigration Fees Likely to Soar in Early 2024

Labor & Employment Law Update

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Facing a stubborn backlog and an influx of immigrants seeking refuge, United States Citizenship and Immigration Services (USCIS) proposed a rule featuring a new fee schedule in January 2023. The proposed fee schedule includes sharp increases in fees for H-1B visas, green cards, and naturalization.

USCIS has deferred the final ruling on the fees until early 2024. The steep increases are worthy of your attention now, by filing for your green card or naturalization before the fees rise.

Why Immigration Fees Are Rising

USCIS's current fees went into effect on December 23, 2016. Fees fund 96 percent of the agency's expenses. The COVID-19 pandemic slowed petitions and caused a temporary 40% decrease in revenue. A hiring freeze and work force attrition crippled USCIS's ability to process applications in a timely manner.

On top of the backlog, conflicts in several areas of the world have increased the number of people seeking asylum.

To eliminate the backlog and process visas as well as asylum and refugee requests on a timely basis, USCIS seeks to hire 7,778 people and invest in technology and call center upgrades. Funding those efforts will require an additional \$1.9 billion per year USCIS estimates. The proposed steep fee increases fulfill that need.

Fee Increases Not Official Yet, But Likely

During the two-month comment period for the proposed rule, over 6,000 individuals and organizations criticized the proposed fee increases. USCIS postponed their final ruling until early 2024. The ruling is anticipated as soon as December, with an effective date 60-90 days afterward.

If enacted as proposed, H-1B cap registration fees would increase a whopping 2050% from \$10 to \$215. H-1B petition filing fees would rise from \$460 to \$780, a 70% increase. Naturalization application fees will rise from \$725 to \$760, a 5% increase, while green card application fees will increase 26% from \$1,225 to \$1,540.

I-485 Adjustment applicants may face a much greater increase, however, if they also file for employment authorization and travel documents. USCIS currently waives fees for those two documents if a green card application is pending.

The new schedule implements separate document pricing, adding \$555 for employment authorization (up from \$410 now) and \$630 for travel documents (up from \$575 now). The net effect for someone seeking a green card, employment authorization, and travel documents will be a total fee of \$2,820, a 130% increase from the current cost (\$1,225).

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Fees will likely rise as mentioned above or close to that. If you know you want to file for naturalization or a green card, please do it as soon as possible to avoid the fee increases.

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