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Substantial USCIS Filing Fee Increases Implemented

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Practices: Immigration

As noted in our articles published on January 31, February 27, and March 26, 2024, the U.S. Citizenship and Immigration Services (USCIS) increased its filing fees on April 1, 2024. The filing fees have substantially increased for most employment-based petitions. Fees in some categories increased between 200% to 300% with an additional Asylum Program Fee. The new fee schedule is broken down based on the type of visa classification sought, the size of the employer and whether the company is designated as a non-profit entity. Employers with 25 or fewer full-time-equivalent (FTE) employees, as well as employers who are designated by the Internal Revenue Service as a 501(c)(3) non-profit entity, now pay lower filing fees in certain categories.

The new Asylum Program Fee of \$600 is separately required by employers who file the Form I-129, Petition for a Nonimmigrant Worker, which is used for most employment-based nonimmigrant petitions (e.g., H-1B, L-1, E-2, O-1, TN, etc.). The \$600 Asylum Program Fee must also be included with the Form I-140, Immigrant Petition for Alien Worker, which is filed for green card sponsorship. The fee is reduced to \$300 for small employers with 25 or fewer FTE employees. IRS-designated non-profit entities are exempt from this fee requirement altogether.

The USCIS also unbundled the filing fees required for green card applications. Previously, applicants would pay one fee that would cover all ancillary applications filed with the green card application. As of April 1, 2024, the USCIS requires separate filing fees for an Employment Authorization Document (EAD) and Advance Parole (travel document) for an individual applying for a green card through adjustment of status (AOS or I-485) in the U.S. If filed together with the Form I-485, the fee for the EAD is \$260 and \$630 for the Advance Parole.

Finally, the USCIS has changed its standard premium processing time from 15 calendar days to 15 business days, standardizing the business-day model used for other premium processing services. Moreover, the USCIS has increased the fee for premium processing service on many applications, including employment-based immigrant and nonimmigrant petitions (Form I-140 and Form I-129) from \$2,500 to \$2,805.

Employers are encouraged to check the new fee schedule prior to any filing. If you have questions about the new fee increases, please do not hesitate to reach out to us.