



Office of the Citizenship and  
Immigration Services Ombudsman

Working to improve the immigration benefits process



# CIS Ombudsman's Webinar Series: Joint Webinar with USCIS on Its New Fee Rule



February 29, 2024

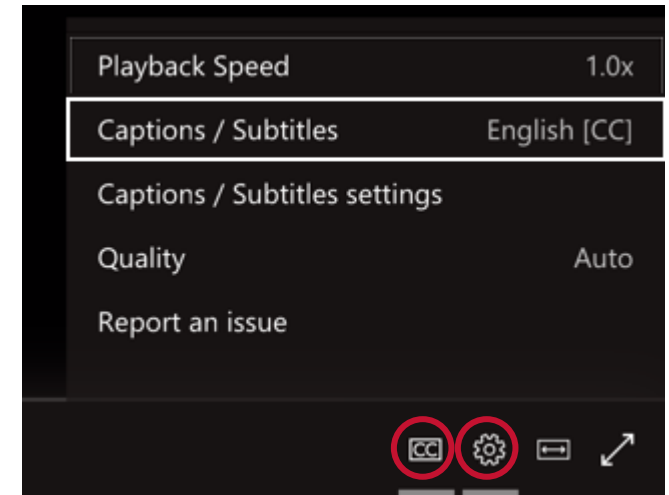
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# Webinar materials

- The materials from today's webinar will be posted online on our Public Engagement page ([www.dhs.gov/outreach](http://www.dhs.gov/outreach)):
  - Readout summarizing the webinar
  - Presentation

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**Nathan Stiefel  
Acting CIS Ombudsman**




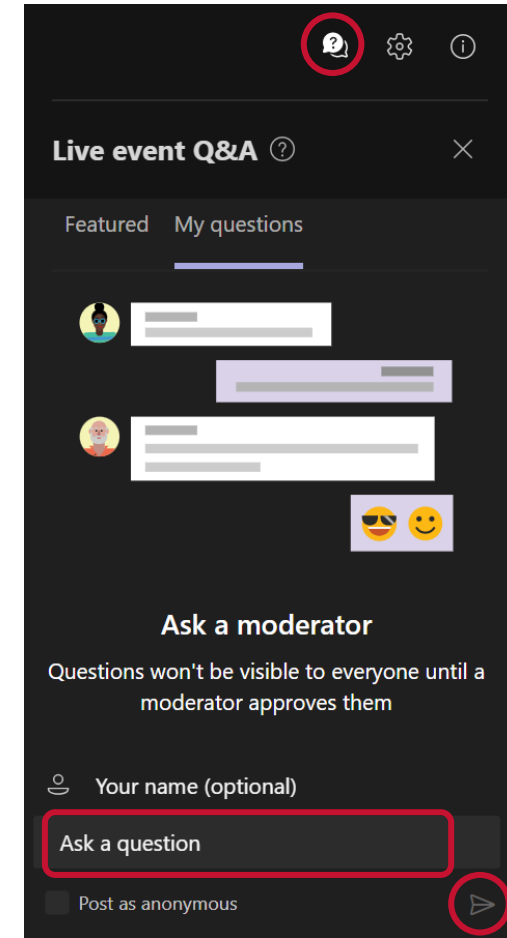
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- We cannot address any case-specific questions.
- We will review every question submitted and share them with USCIS.
- You can also email us any questions or comments at: [CISOmbudsman.publicaffairs@hq.dhs.gov](mailto:CISOmbudsman.publicaffairs@hq.dhs.gov).




# Speakers

- Nathan Stiefel, acting CIS Ombudsman
- Elissa McGovern, chief of Policy, CIS Ombudsman
- Ciro Parascandola, chief of Public Engagement, CIS Ombudsman
- Jim Wearmouth, division chief, Budget and Planning Division, Office of the Chief Financial Officer, USCIS
- Wendy Gonzalez, branch chief, Citizenship and Family, Office of Policy & Strategy, USCIS
- Elizabeth Zemlan, chief, Forms and Requirements Division, Office of Intake and Document Production, USCIS



# CIS Ombudsman's Recommendations on Fees

- USCIS' current fees are based on decade-old data and are inadequate for its current workload
- CIS Ombudsman's Annual Reports to Congress and formal recommendation address USCIS' funding model
- Fees must reflect current conditions to address backlogs, officer resources, and workflow flexibility
- Use fees to incentivize filing online and improve customer experience
- More regularly adjust fees based on inflation



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## The Challenges of the Current USCIS Fee-Setting Structure Recommendation 63

June 15, 2022

U.S. Citizenship and Immigration Services (USCIS) employs over 20,000 persons, operates in more than 200 offices and other facilities throughout the United States and abroad, and has an annual budget averaging over \$4 billion since 2018. USCIS operates on a fee-for-service funding model, with approximately 97 percent of its budget funded by the filing fees it collects. By statute, the agency is required to set its fees at a level to ensure that it recovers the full costs of providing the benefits requested.

To adjust its filing fees, USCIS follows the Administrative Procedure Act rulemaking process. Before it may implement new fees, it must first announce the proposed fees in the Federal Register and explain why it needs to make the adjustments sought. The process gives the public an opportunity to comment on the proposal, and USCIS must respond to all reasonable and relevant comments. Invariably, this process is exceedingly slow.

While USCIS reviews its fees every 2 years, it can take many years to adjust its fees. In addition, some immigration benefits—such as humanitarian-related benefits—do not require a fee, so USCIS recovers these costs by increasing costs for other benefits. These and other challenges inherent to the fee-for-service funding model leave the agency frequently underfunded, requiring it to shift its limited resources (including its adjudications staff) between different lines of work to meet the demands placed on it by the executive, legislative, and judicial branches of the U.S. government.

### RECOMMENDATIONS

The CIS Ombudsman recommends that USCIS:

1. Reengineer its fee review process, including its staffing allocation models, to ensure it fully and proactively projects the amounts needed to meet targeted processing time goals for future processing, as well as backlog adjudications.
2. Seek congressional appropriations to cover the cost of delivering humanitarian-related immigration benefits (including, but not limited to, USCIS' refugee and asylum programs).
3. Pursue authorization to establish a financing mechanism, through the auspices of the Department of the Treasury, that USCIS may draw upon to address unexpected revenue shortfalls and unfunded policy shifts and to maintain adequate staffing to meet its performance obligations.
4. Obtain annual appropriations specifically dedicated to eliminating backlogs.
5. Exercise its existing authority to adjust fees annually based on the salary/inflation factor calculated by the White House Office of Management and Budget (OMB).



# Summary and Background



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## Summary

- Final fee rule was published Jan. 31, 2024.
- The new fees will be effective April 1, 2024.
- All form fees will be removed from form instructions. See: G-1055, Fee Schedule: [uscis.gov/g-1055](https://uscis.gov/g-1055), to determine the applicable fees.
- The online Fee Calculator will be updated on April 1, 2024. See: [uscis.gov/feecalculator](https://uscis.gov/feecalculator)

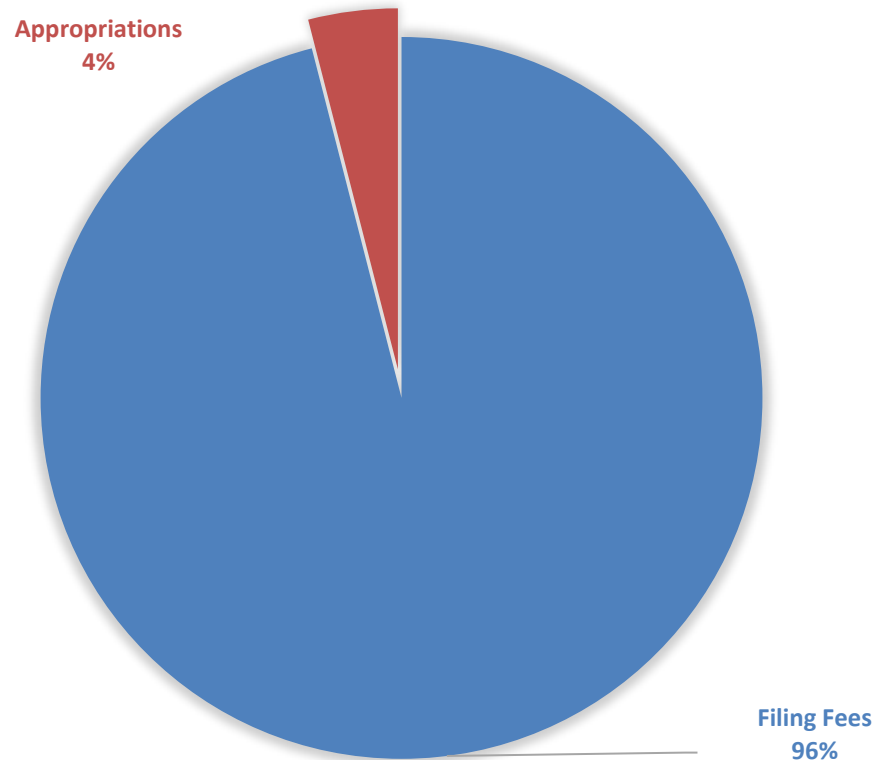
## Background

- Comprehensive fee review concluded need to raise additional revenue from fee-payers.
- The rule allows USCIS to recover operational costs more fully.
- USCIS considered over 5,400 unique comments following the Jan. 4, 2023, proposed rule.
- Last fee schedule increase occurred in 2016.

# USCIS Funding



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## Final Rule

Generates an additional \$1.14 billion per year to support current and projected workloads and avoid backlog accumulation.

- Increase personnel
- Contract costs
- Customer service & communications
- Officer training
- FOIA responses
- Lockbox activity
- Asylum and refugee support

# Core Elements



- 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%*.
- Fee increases are held to a low level for naturalization and adoption filings.
- Maintains existing fee waiver eligibility and expands fee exemptions for certain humanitarian and other beneficiaries.
- Reduces filing fees for online filings.
- Removes the separate biometric services fee (except for certain TPS and EOIR forms).
- Revises the premium processing timeframe from calendar days to business days.

# Forms and Grace Periods



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- We will accept prior editions of **most** forms during a grace period from April 1 through June 3 filed with the correct fee.
- 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.
- **There is no grace period for fees. All forms must include the new fee on April 1.**



# Forms and Grace Periods (cont.)



- There will be **no grace period** for the following form editions:
  - [Form I-129](#), Petition for a Nonimmigrant Worker;
  - [Form I-129CW](#), Petition for a CNMI-Only Nonimmigrant Transitional Worker;
  - [Form I-140](#), Immigrant Petition for Alien Workers;
  - [Form I-600A](#), Application for Advance Processing of an Orphan Petition (and supplement 1, 2 and 3); and
  - [Form I-600](#), Petition to Classify Orphan as an Immediate Relative (and supplement 1, 2 and 3).

Note: We will publish an OMB-approved preview version of the 04/01/24 version of the form on each form's landing page as soon as possible before April 1, 2024. Until then, we have posted links to Regulations.gov on these landing pages for a redline version of our anticipated changes.

# Payments



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- USCIS will not redeposit payments returned as unpayable for a reason other than insufficient funds.
  - Required by Treasury Department.
- 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.
  - Recent trend of increasing disputes when processing is delayed or the applicant disagreed with decision.
- Eliminates the \$30 returned check fee.

# Fee Exemptions



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- Codifies existing **fee exemptions** and provides **new fee exemptions** for:
  - Certain humanitarian categories of benefit requestors through adjustment of status (e.g., T and U nonimmigrants, VAWA self-petitioners, SIJs);
  - Adoption-related fees for second approval extensions, second changes in country, duplicate approval notices, and certificates of citizenship and naturalization; and
  - U.S. military servicemembers and our Afghan allies.
- **IMPORTANT:** The Form I-912 fee waiver request is not necessary when there is a fee exemption.

# Fee Waivers



- Maintains and codifies existing **fee waiver** eligibility criteria:
  - Receipt of means-tested benefits
  - Income at or below 150% of the Federal Poverty Guidelines
  - Extreme financial hardship
- Use Form I-912 or submit a written request for fee waiver along with documentation of eligibility.
- **IMPORTANT:** Do not submit a fee when requesting a fee waiver. If you submit a fee, USCIS will intake the fee and not consider the fee waiver request.



# Online Filing



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In most cases, there will be a \$50 discount for [forms filed online](#).

**Exception:** There is no online filing discount when the form fee is already provided at a substantial discount or USCIS is prohibited by law from recovering its costs, including the following forms:

- Form I-821, Temporary Protected Status
- Form I-131, Refugee Travel Document (for a reentry permit or refugee travel document)
- Form I-192, Application for Advance Permission to Enter as a Nonimmigrant, when submitted to CBP
- Form I-193 Application for Waiver of Passport and/or Visa, when submitted to CBP
- Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal, when submitted to CBP
- 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
- Form I-821D, Consideration of Deferred Action for Childhood Arrivals
- Form I-907, Request for Premium Processing Service
- Form N-400, Naturalization Application, when filed with a reduced fee
- Registration requirement for petitioners seeking to file H-1B petitions on behalf of cap-subject aliens
- Asylum Program Fee or other ancillary fees for Forms I-129 or I-129CW
- Forms I-129, I-129CW, and I-140 for small employers and nonprofits.

**IMPORTANT: New forms will be available online on April 1, 2024. You will not be able to submit older versions of forms online after April 1. On April 1, any Form N-400 drafts in progress will be deleted and you must restart the application. A reminder will be sent to all online account holders ahead of time so you will be aware. This only applies to the N-400.**

# Biometrics



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- No separate biometric services fee.
- 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.
- 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.

# Form I-485



- Form I-485 fee = \$1,440.
- Reduced fee for children under age 14 will remain less than full fee for adults when filing Form I-485 with their parent = \$950.

## Exemptions

- Victims of severe form of trafficking (T nonimmigrants)
- Victims of qualifying criminal activity (U nonimmigrants)
- VAWA Form I-360 self-petitioners and derivatives
- Abused spouses and children adjusting status under CAA and HRIFA
- Afghan and Iraqi Special Immigrant Visas
- Special Immigrant Juveniles (SIJs)
- Refugees
- 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)

# Form I-485 (cont.)



- With the new rule, the fees for Form I-765, Application for Employment Authorization, and Form I-131, Application for Travel Document, will **not** be bundled or fee exempt when filing for adjustment (I-485).
- Form I-765 = \$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).
  - 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.
- Form I-131 = \$630. No fee exemption for an I-131 filed in connection with an I-485 that was filed after April 1.
- Form I-130 = \$625 (online); \$675 (paper).

# Adoptions Fees



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- Revises certain USCIS processes for adoptions from countries that are not party to the Hague Adoption Convention (orphan cases).
- **Form I-600**
  - \$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
  - \$920 fee applies for Form I-600 combination filing change in marital status after suitability approval (no fee applies while it is pending).

# Adoptions Fees (cont.) - Exemptions



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- **Form I-600A**
  - \$920 fee applies if change in marital status after Form I-600A is approved (no fee applies while it is pending)
- **Form I-600A/I-600 & I-800A Supplement 3:**
  - \$455 applies for third extension of approval and subsequent filings or **significant change** and updated home study with no request for first or second extension or change of country.

## Exemptions

- ✓ First and second extensions;
- ✓ First and second changes in country;
- ✓ A duplicate approval notice request; and
- ✓ Certificates of citizenship (Form N-600 and N-600K) regardless of age.

# Form N-400



- Form N-400: \$760 (paper filing), \$710 (online filing), or \$380 (reduced fee).
- Fee waiver eligibility remains the same, including for household income less than 150% of Federal Poverty Guidelines (FPG).
- Reduced fee (\$380) if household income is up to 400% of FPG.
  - Previous regulations provided this for applicants between 150 to 200% of FPG.
- All N-400 applicants must submit biometrics. There is no longer a separate biometric services fee.

# Form N-400 (cont.)



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Fee changes for Form N-400, Application for Naturalization, *including* biometric services:

Type of Filing	Previous Fee	Final Rule Fee	\$ Change	% Change
Paper filing, no reduced fee	\$725	\$760	+\$35	+5%
Online filing, no reduced fee	\$725	\$710	-\$15	-2%
Reduced fee for applicants with household income between 150-200% of the Federal Poverty Guidelines (FPG)	\$405	\$380	-\$25	-6%
Reduced fee for applicants with household income between 200-400% of the FPG	\$725	\$380	-\$345	-48%



# Form N-400 Reduced Fee



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- Reduced Fee for incomes up to 400% of the Federal Poverty Guidelines (FPG): \$380
  - New Form N-400 includes the reduced fee request in Part 10. Form I-942 will be discontinued.
  - **Must** file a paper N-400 with all required documentation. The reduced fee option is **not** yet available online.
  - During the grace period, you may request a reduced fee using the previous Form N-400 version but must submit Form I-942.
  - IMPORTANT – if an applicant submits a reduced fee (\$380) and a request for a fee waiver (Form I-912 or written request), USCIS will deposit the fee and not review the fee waiver request. We may reject reduced fee requests that do not have Part 10 filled out.
  - The FPG can be found at the [HHS website](#).

# TPS and DACA



- Temporary Protected Status (TPS)
  - Form I-821 = \$50 (no change)
  - Biometrics = \$30 (lower fee)
  - Form I-765 = \$520 (paper filing; may submit fee waiver request), \$470 (online filing)
- Deferred Action for Childhood Arrivals (DACA)
  - Form I-821D= \$85 (no change)
  - Form I-765 = \$520 (paper), \$470 (online)

# Employment-Based Petitions



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- **Asylum Program Fee** - \$600 Asylum Program Fee for petitioners filing:
  - Form I-129, Petition for a Nonimmigrant Worker;
  - Form I-129CW, Petition for a CMNI-Only Nonimmigrant Transitional Worker; or
  - Form I-140, Immigrant Petition for Alien Workers.
- **Reduced Fee:** \$300 for small employers with 25 or fewer full-time equivalent employees.
- **Exemption:** \$0 for nonprofits.

## Potential documentation to support eligibility for reduced fee or exemption:

Small Employer Status	Nonprofit Status
<ul style="list-style-type: none"><li>• Submit page 1 of most recent IRS Form 941, Employer's QUARTERLY Federal Tax Return.</li></ul>	<ul style="list-style-type: none"><li>• Submit a Determination Letter from the IRS; or</li><li>• a copy of a currently valid IRS tax exemption certificate.</li></ul>

# Employment-Based Petitions: Form I-129 & I-129 CW



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- Establishes separate fees for Form I-129, Petition for a Nonimmigrant Worker, by nonimmigrant classification.
- Up to 50% discounted fee for Form I-129 for nonprofits and small employers (25 or fewer full-time equivalent employees).
- Limits the number of named beneficiaries on H-2A and H-2B petitions for nonimmigrant workers to 25, among others.
  - Effectively applies to all Form I-129 petitions that allow multiple named beneficiaries, such as H-3, O-2, P-1, P-2, P-3, P-1S, P-2S, P-3S, and Q-1 classifications. Does not apply to Form I-129CW.

# H-1B registration fee



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## H-1B

- New \$215 H-1B registration fee based on the results of the FY 2022/2023 fee review.
- The H-1B registration fee during the March 2024 registration period will remain \$10.
- New \$215 fee to be applied during the March 2025 registration period.

# H-1B Registration Rule



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**Published: Feb. 2, 2024.    ➡    Effective: March 4, 2024.**

- Beneficiary-centric process: registrations by unique beneficiary
- Starting with the March 2024 initial registration period (for FY 2025), will require valid passport or travel document for each beneficiary
- Codifies USCIS ability to deny or revoke H-1B petitions where the underlying registration contained a false attestation or was otherwise invalid
- Temporary increase in daily credit card transaction limit to \$99,999.

# Premium Processing



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- Effective February 26, 2024, under authority in the Emergency Stopgap USCIS Stabilization Act of 2020, and independent of the 2024 Final Fee Rule, DHS increased premium processing fees to reflect the increase in the Consumer Price Index from June 2021 through June 2023. (88 FR 89539, Dec. 28, 2023.)
- The inflationary adjustment increases premium processing fees from \$1,500 to \$1,685, \$1,750 to \$1,965, and \$2,500 to \$2,805.
- The 2024 Final Fee Rule revised the premium processing timeframe from calendar days to business days.
- [www.uscis.gov/newsroom/alerts/uscis-announces-inflation-adjustment-to-premium-processing-fees](https://www.uscis.gov/newsroom/alerts/uscis-announces-inflation-adjustment-to-premium-processing-fees)

# Resources



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- **Final Fee Rule** – [Final rule text](#) (Federal Register) and [full regulatory docket](#) (Regulations.gov)
- **Fee Rule FAQ** (includes fee table) - [www.uscis.gov/frequently-asked-questions-on-the-uscis-fee-rule](http://www.uscis.gov/frequently-asked-questions-on-the-uscis-fee-rule)
- **Form G-1055, Fee Schedule** - All new edition forms and fees will be found here on April 1, 2024 - [www.uscis.gov/g-1055](http://www.uscis.gov/g-1055)
- **Premium Processing** - [www.uscis.gov/newsroom/alerts/uscis-announces-inflation-adjustment-to-premium-processing-fees](http://www.uscis.gov/newsroom/alerts/uscis-announces-inflation-adjustment-to-premium-processing-fees)
- **H-1B Registration Final Rule** - [www.uscis.gov/newsroom/news-releases/uscis-announces-strengthened-integrity-measures-for-h-1b-program](http://www.uscis.gov/newsroom/news-releases/uscis-announces-strengthened-integrity-measures-for-h-1b-program)
- **Federal Poverty Guidelines from Department of Health and Human Services** - <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>



# Fee Rule - Frequently Asked Questions



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## Questions and Answers

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# Contact Us

- **Website:** [dhs.gov/cisombudsman](https://dhs.gov/cisombudsman)
- **Phone:** 1-855-882-8100 (toll free) or 1-202-357-8100 (local)
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- **Summaries of recent webinars:** [dhs.gov/outreach](https://dhs.gov/outreach)

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