



# GMS Flash Alert

Immigration

2024-040 | February 21, 2024



## United States – USCIS Fees Increase Effective April 1

On January 31, 2024, the United States Citizenship and Immigration Services (USCIS) published a final rule on the *Federal Register* announcing the new fee schedule the USCIS will implement for all fee-based petitions postmarked April 1, 2024, or later.<sup>1</sup> USCIS states<sup>2</sup> the new fees were necessary to improve processing times and explains that the 2016 fee schedule no longer covers the operational costs needed to timely adjudicate immigration petitions.

### WHY THIS MATTERS

Employers will face significant fee increases on common visa application types, including the Form I-129, *Petition for a Nonimmigrant Worker*, used to sponsor H-1B specialty-occupation workers and L-1 intracompany transferees. This will raise their costs tied to workers who are hired under a visa status where the application/petition fees have gone up. In some cases, the fees have been more than doubled. With the increase taking effect on April 1, 2024, employers and petitioners will be subject to the new filing fee for the upcoming FY2025 H-1B cap cycle.

Employers are tasked to allocate the necessary funds in their budgets if they are considering filing Form I-129 when hiring foreign nationals or extending foreign nationals' status, and Form I-140, *Immigrant Petition for Alien Workers*, when considering retaining foreign talent through the permanent-residency sponsorship process.

## New Filing Fees Effective April 1, 2024

### Non-Immigrant Petitions

USCIS is increasing the **H-1B and H-1B1 petition** filing fee to **\$780** from the current amount of \$460 for employers with more than 25 full-time employees in an equivalent position in the United States. The \$460 filing fee will remain the same for employers with 25 or less full-time employees in an equivalent position in the United States.

USCIS is increasing the **H-2B named beneficiaries petition** filing fee to **\$1,080** from the current amount of \$460 for employers with more than 25 full-time employees in an equivalent position in the United States. The \$540 filing fee will remain the same for employers with 25 or less full-time employees in an equivalent position in the United States. USCIS is increasing the H-2B unnamed beneficiaries petition filing fee to \$580 from the current amount of \$460 for employers with more than 25 full-time employees in an equivalent position in the United States. The \$460 filing fee will remain the same for employers with 25 or less full-time employees in an equivalent position in the United States.

USCIS is increasing the **L-1 petition** filing fee to **\$1,385** from the current amount of \$460 for employers with more than 25 full-time employees in an equivalent position in the United States. The filing fee will increase to \$695 for employers with 25 or less full-time employees in an equivalent position in the United States.

USCIS is increasing the **O petition** filing fee to **\$1,055** from the current amount of \$460 for employers with more than 25 full-time employees in an equivalent position in the United States. The filing fee will increase to \$530 for employers with 25 or less full-time employees in an equivalent position in the United States.

USCIS is increasing the **E, H-3, P, Q, R, and TN petition** filing fee to **\$1,015** from the current amount of \$460 for employers with more than 25 full-time employees in an equivalent position in the United States. The filing fee will increase to \$510 for employers with 25 or less full-time employees in an equivalent position in the United States.

### Immigrant Petitions

USCIS is increasing the filing fee for **Form I-140** from \$700 to **\$715**.

USCIS is increasing the filing fee for **Form I-526** (*Immigrant Petition by Standalone Investor*) and **Form I-526 E** (*Immigrant Petition by Regional Center Investor*) from \$3,675 to **\$11,160**.

USCIS is increasing the filing fee for **Form I-485** (*Application to Register Permanent Residence or Adjust Status*) for adult applicants from \$1,140 to **\$1,440**, an amount that include the biometrics fee that was previously submitted separately. The fee for **Form I-485** for **applicants under 14 applying concurrently with their parent** will be increased from \$750 to **\$950**.

USCIS is increasing the filing fee for **Form I-131** (*Application for Travel Document*) from \$575 to **\$630**. There is no fee for a travel document for applicants who filed Form I-485 on or after July 30, 2007, and before April 1, 2024, and paid the Form I-485 fee, while the I-485 remains pending.

USCIS is decreasing the filing fee for **Form I-90** (*Application to Replace Permanent Resident Card*) for online filings to **\$415** from its current amount of \$455. However, it is increasing the filing fee to **\$465** for applications made **in paper**.

**Form I-539** (*Application to Extend/Change Nonimmigrant Status*) – USCIS is increasing the filing fee to **\$420** for applications filed **online** and to **\$470** for applications filed **in paper**, from the current amount of \$370.

**Form I-765** (*Application for Employment Authorization*) – USCIS is increasing the filing fee to **\$470** for applications filed **online** and to **\$520** for applications filed **in paper**, from the current amount of \$410. There is no fee for an Employment Authorization Document for applicants who filed USCIS Form I-485 on or after July 30, 2007, and before April 1, 2024, and paid the Form I-485 fee, while the I-485 remains pending.

**Citizenship** – USCIS is increasing the filing fee for **Form N-400** (*Application for Naturalization*) from \$640 to **\$710** for applications made online and to **\$760** for applications made **in paper**.

**Creation of the Asylum Program Fee** – Filers of Forms I-129 and I-140 will be required to include an Asylum Program Fee of \$600 with petitions filed on April 1, 2024 and beyond. The fee will be \$300 for employers filing those forms with 25 or less full-time employees in an equivalent position in the United States. There will be no asylum program fee for filers of Form I-129 and I-140 that are non-profit/charitable organizations.

**Biometrics Fee** – The previously separate biometrics fee has now been worked into the form filing fee.

## Increased H-1B Cap Registration Fee Beginning FY26

The H-1B registration fee will rise to \$215 per registrant. While the FY2025 registration fee will not be affected for this year's cap, employers should consider the steep price increase for FY2026 that is expected to begin in March 2025.

## Changes in Premium Processing Adjudication

The USCIS announced that it will change its adjudication period from calendar days to business days. The premium processing fee is also set to increase effective February 26, 2024, to \$2,805 for Form I-129 and Form I-140. The premium processing fee for Form I-539, *Application to Extend/Change Nonimmigrant Status*, for eligible applicants will rise to \$1,965 and the premium processing fee for Form I-765 will escalate to \$1,685.

## Substantial Increase for EB-5 Petitions

The USCIS through its announcement, is increasing filing fees for certain EB-5 immigrant petitions. Form I-526, *Immigrant Petition by Standalone Investor*, and Form I-526E, *Immigrant Petition by Regional Center Investor*, will increase to \$11,160. Form I-829, *Petition by Investor to Remove Conditions on Permanent Resident Status*, will rise to \$9,525.

### KPMG INSIGHTS

Employers that rely heavily on premium processing for expeditious adjudications from the service should be mindful that the change in adjudication periods to business days may delay a response from the USCIS for up to a week's time.

Employers are encouraged to work closely with immigration counsel to account for the new timeframes when filing petitions for foreign nationals.

KPMG Law LLP in Canada is tracking this matter closely. We will endeavor to keep readers of GMS Flash Alert posted on any important developments as and when they occur.

## FOOTNOTES:

1 See *Federal Register*, "[U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements](#)" (January 1, 2024).

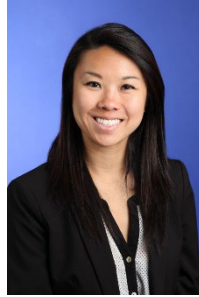
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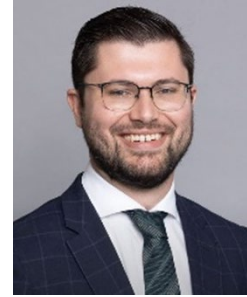
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