



USCIS FEE INCREASES EFFECTIVE OCTOBER 2, 2020

By Victor Valdez Gonzalez

Alert: On September 29, 2020 the Fee Rule was enjoined nation-wide in its entirety by a District court in the Northern District of California, *ILRC et al. v. Chad F. Wolf, et al.* (ND California) (Case 4:20-cv-05883-JSW) (Sept. 29, 2020).

<https://www.ilrc.org/ilrc-statement-preliminary-injunction-uscis%E2%80%99-fee-rule-imposing-wealth-test-citizenship-unprecedented>

This means that the fee rule will not go into effect on October 2, 2020: neither the fee increases nor the changes to fee waivers in the rule will be implemented at this time. Further alerts will be posted if later appeals result in an eventual implementation date.

I. Introduction

On August 3, 2020, the Department of Homeland Security (DHS) finalized changes to the fees U.S. Citizenship and Immigration Services (USCIS) charges for various immigration applications. In sum, DHS is increasing fees drastically, adding a new \$50 fee for asylum applications, limiting fee waivers, slightly discounting fees for forms currently available for online filing, and charging separate fees for Forms I-765 and I-131 when filed with a pending or concurrently filed Form I-485. These changes are effective October 2, 2020—thus, any application, petition, or request postmarked on this date or later must include payment of the fees established by DHS’s [final fee rule](#).¹ Note that litigation may impact the effective date and it is important to monitor developments in this area. Fortunately, the rule does not contain the transfer of funds to ICE that had been part of the proposed rule.

II. Background

USCIS proposed increases in fees on November 14, 2019, followed by a comment period.² This rule is the final version of that proposed rule and will take effect in October, barring any litigation that may enjoin it.

Before this rule, USCIS has repeatedly attempted to reduce fee waivers and narrow the standards to exclude receipt of a means-tested benefit by making changes to Form I-912 (Request for Fee Waiver). USCIS tried

three times to make those changes to the fee waiver form, beginning in September 2018. The agency ultimately failed to enforce those changes because a federal court enjoined them from doing so.³ Unfortunately, while these proposed changes to the I-912 form are currently enjoined, the fee rule contains additional restrictions on fee waiver eligibility that go beyond changes to the I-912 and will take effect on October 2, 2020.

III. Overview of Key Changes

A. Overall Fees Increase

First, DHS is dramatically increasing the filing fees for most immigration applications and will begin to charge for applications that have never had a fee. For example, the filing fee for Form N-400 (Application for Naturalization) will increase by more than 80 percent—costing individuals upward of \$1100 to apply for citizenship. The filing fee for Form N-336 (Request for Hearing on a Decision in Naturalization Proceedings) is increasing by nearly 150 percent to \$1725. The rule also eliminates the possibility of a fee waiver in the N-400 and N-336 applications, which will undoubtedly suppress citizenship applications and appeals by moderate-income applicants. While almost all fees have increased, DHS has nominally reduced a few fees, especially for online filing⁴, and has kept some fees the same. Please see Table 1 below for a summary of all the changes to the USCIS fee schedule.

B. New Fee for Asylum

Additionally, DHS has established a new filing fee for asylum applications, despite international treaty obligations calling on governments to protect refugees and the fact that many asylum applicants lack funds upon fleeing their countries. USCIS will charge a \$50 filing fee for Form I-589 (Application for Asylum and for Withholding of Removal).⁵ There is a limited exception for the asylum fee for unaccompanied minors who are in removal proceedings. The United States will join Iran, Fiji, and Australia as the only countries out of 147 treaty signatories who charge fees for asylum.⁶

C. Fee Waivers Eliminated for Most Applications

DHS is eliminating fee waivers except where the INA statutorily requires DHS to provide one.⁷ Under the final rule, only VAWA self-petitioners, T nonimmigrants, U nonimmigrants, certain battered spouses and children, TPS applicants, SIJS applicants, and Afghan/Iraqi special immigrants will be eligible for fee waivers. This group may apply for a fee waiver, where applicable, for their principal immigration benefit and any ancillary or subsequent applications, e.g., waivers, appeals, adjustment of status, naturalization, or certificate of citizenship. See the table in the regulations for the fee exempt and related applications that are still fee-waiver eligible, reproduced below as Table 2. To review which application types were previously eligible to apply for a fee waiver but will no longer be able to do so, review the list at 8 CFR 103.7(c).⁸

D. Fee Waiver Standards Narrowed

Besides eliminating fee waivers, DHS is also considerably narrowing the criteria to qualify for a fee waiver. Currently, applicants may qualify for a fee waiver based on a receipt of a means-tested benefit, financial hardship, or income at or below 150 percent of the federal poverty level income guidelines.⁹ After the fee rule is effective, however, only those whose income is at or below 125 percent of the federal poverty level will

qualify.¹⁰ DHS is also eliminating the reduced fee waiver for naturalization applicants. The reduced fee waiver was available to those whose income was between 150 percent and 200 percent of the federal poverty level.

Lastly, applicants who qualify for a fee waiver must file Form I-912, which was previously optional, and must have required supporting documentation—i.e., tax transcripts, W-2 form, or specified documents proving income.

E. Unbundling of Adjustment Applications – Paying Additional Separate Fees

DHS will now require separate filing fees for Forms I-765 and I-131 when filed concurrently with Form I-485 or while it is pending with USCIS. Until now, adjustment applicants have been able to submit applications for employment authorization and a travel document for no additional fee while USCIS adjudicates their adjustment application. This will no longer be the case. Individuals who wish to work or travel while their adjustment applications are pending must pay an additional \$550 to file Form I-765 and \$590 to file Form I-131.

Furthermore, DHS is eliminating the reduced child fee for Form I-485. While children under the age of 14 years old have only paid \$750 to file Form I-485 (when the child concurrently files with a parent)¹¹, they will now pay the full fee of \$ 1,130.

F. Form Changes

The final fee rule also includes a table of form changes that lists revised forms that applicants must use after the rule's effective date. These revised forms reflect the new fees, modify instructions to conform with the changes in the I-912 fee waiver form, and reflect the elimination of the I-942 reduced fee waiver option for naturalization.¹² As always, use the most current version of the form from the USCIS website, especially in light of the October 2, 2020, projected changes.

IV. Conclusion

In summary, this fee rule will significantly increase the costs of applying for several immigration benefits. First, DHS is drastically increasing filing fees—namely for naturalization applications. Second, DHS is contravening international treaty obligations by imposing a new fee on already vulnerable asylum seekers. Third, DHS is gutting fee waivers and considerably narrowing the eligibility for those fee waivers it must provide. Lastly, DHS is unbundling the interim benefits of adjustment applications, charging those who want to work or travel while their applications are pending. Sadly, these changes will effectively price out countless immigrants and their families who will not be able to afford the new costs of seeking immigration benefits. Specifically, these changes will impact millions of lawful permanent residents who are otherwise eligible to become U.S. citizens—preventing them from voting and fully participating in our democracy.

Table 1 – Changes in USCIS Fee Schedule

Immigration Benefit Request	Current Fee	Final Fee	Change (\$)	Percent Change
I-90 Application to Replace Permanent Resident Card (online filing)	\$455	\$405	-\$50	-11 percent
I-90 Application to Replace Permanent Resident Card (paper filing)	\$455	\$415	-\$40	-9 percent
I-102 Application for Replacement/Initial Nonimmigrant Arrival-Departure Document	\$445	\$485	\$40	9 percent
I-129 Petition for a Nonimmigrant worker	\$460	N/A	N/A	N/A
I-129CW, I-129E&TN, and I-129MISC	\$460	\$695	\$235	51 percent
I-129H1	\$460	\$555	\$95	21 percent
I-129H2A - Named Beneficiaries	\$460	\$850	\$390	85 percent
I-129H2B - Named Beneficiaries	\$460	\$715	\$255	55 percent
I-129L	\$460	\$805	\$345	75 percent
I-129O	\$460	\$705	\$245	53 percent
I-129H2A - Unnamed Beneficiaries	\$460	\$415	-\$45	-10 percent
I-129H2B - Unnamed Beneficiaries	\$460	\$385	-\$75	-16 percent
I-129F Petition for Alien Fiancé(e)	\$535	\$510	-\$25	-5 percent
I-130 Petition for Alien Relative (online filing)	\$535	\$550	\$15	3 percent
I-130 Petition for Alien Relative (paper filing)	\$535	\$560	\$25	5 percent
I-131 Application for Travel Document	\$575	\$590	\$15	3 percent
I-131 Refugee Travel Document for an individual age 16 or older	\$135	\$145	\$10	7 percent
I-131 Refugee Travel Document for a child under the age of 16	\$105	\$115	\$10	10 percent
I-131A Application for Travel Document (Carrier Documentation)	\$575	\$1,010	\$435	76 percent
I-140 Immigrant Petition for Alien Worker	\$700	\$555	-\$145	-21 percent
I-191 Application for Relief Under Former Section 212(c) of the Immigration and Nationality Act (INA)	\$930	\$790	-\$140	-15 percent
I-192 Application for Advance Permission to Enter as Nonimmigrant (CBP)	\$585	\$1,400	\$815	139 percent
I-192 Application for Advance Permission to Enter as Nonimmigrant (USCIS)	\$930	\$1,400	\$470	51 percent
I-193 Application for Waiver of Passport and/or Visa	\$585	\$2,790	\$2,205	377 percent
I-212 Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal	\$930	\$1,050	\$120	13 percent
I-290B Notice of Appeal or Motion	\$675	\$700	\$25	4 percent

Immigration Benefit Request	Current Fee	Final Fee	Change (\$)	Percent Change
I-360 Petition for Amerasian, Widow(er), or Special Immigrant	\$435	\$450	\$15	3 percent
I-485 Application to Register Permanent Residence or Adjust Status	\$1,140	\$1,130	-\$10	-1 percent
I-485 Application to Register Permanent Residence or Adjust Status (children under 14 years old)	\$750	\$1,130	\$380	51 percent
I-526 Immigrant Petition by Alien Investor	\$3,675	\$4,010	\$335	9 percent
I-539 Application to Extend/Change Nonimmigrant Status (online filing)	\$370	\$390	\$20	5 percent
I-539 Application to Extend/Change Nonimmigrant Status (paper filing)	\$370	\$400	\$30	8 percent
I-589 Application for Asylum and for Withholding of Removal	\$0	\$50	\$50	N/A
I-600/600A Adoption Petitions and Applications	\$775	\$805	\$30	4 percent
I-600A Supplement 3 Request for Action on Approved Form I-600A	N/A	\$400	N/A	N/A
I-601 Application for Waiver of Ground of Excludability	\$930	\$1,010	\$80	9 percent
I-601A Provisional Unlawful Presence Waiver	\$630	\$960	\$330	52 percent
I-612 Application for Waiver of the Foreign Residence Requirement (Under Section 212(e) of the INA, as Amended)	\$930	\$515	-\$415	-45 percent
I-687 Application for Status as a Temporary Resident	\$1,130	\$1,130	\$0	0 percent
I-690 Application for Waiver of Grounds of Inadmissibility	\$715	\$765	\$50	7 percent
I-694 Notice of Appeal of Decision	\$890	\$715	-\$175	-20 percent
I-698 Application to Adjust Status from Temporary to Permanent Resident (Under Section 245A of the INA)	\$1,670	\$1,615	-\$55	-3 percent
I-751 Petition to Remove Conditions on Residence	\$595	\$760	\$165	28 percent
I-765 Application for Employment Authorization (Non-DACA)	\$410	\$550	\$140	34 percent
I-765 Application for Employment Authorization (DACA only)	\$410	\$410	\$0	0 percent
I-800/800A Adoption Petitions and Applications	\$775	\$805	\$30	4 percent
I-800A Supplement 3 Request for Action on Approved Form I-800A	\$385	\$400	\$15	4 percent
I-817 Application for Family Unity Benefits	\$600	\$590	-\$10	-2 percent
I-824 Application for Action on an Approved Application or Petition	\$465	\$495	\$30	6 percent
I-829 Petition by Investor to Remove Conditions	\$3,750	\$3,900	\$150	4 percent
I-881 Application for Suspension of Deportation or Special Rule Cancellation of Removal (for individuals)	\$285	\$1,810	\$1,525	535 percent

Immigration Benefit Request	Current Fee	Final Fee	Change (\$)	Percent Change
I-881 Application for Suspension of Deportation or Special Rule Cancellation of Removal (for families)	\$570	\$1,810	\$1,240	218 percent
I-910 Application for Civil Surgeon Designation	\$785	\$635	-\$150	-19 percent
I-924 Application For Regional Center Designation Under the Immigrant Investor Program	\$17,795	\$17,795	\$0	0 percent
I-924A Annual Certification of Regional Center	\$3,035	\$4,465	\$1,430	47 percent
I-929 Petition for Qualifying Family Member of a U-1 Nonimmigrant	\$230	\$1,485	\$1,255	546 percent
N-300 Application to File Declaration of Intention	\$270	\$1,305	\$1,035	383 percent
N-336 Request for Hearing on a Decision in Naturalization Proceedings (online filing)	\$700	\$1,725	\$1,025	146 percent
N-336 Request for Hearing on a Decision in Naturalization Proceedings (paper filing)	\$700	\$1,735	\$1,035	148 percent
N-400 Application for Naturalization (online filing)	\$640	\$1,160	\$520	81 percent
N-400 Application for Naturalization (paper filing)	\$640	\$1,170	\$530	83 percent
N-470 Application to Preserve Residence for Naturalization Purposes	\$355	\$1,585	\$1,230	346 percent
N-565 Application for Replacement Naturalization/Citizenship Document (online filing)	\$555	\$535	-\$20	-4 percent
N-565 Application for Replacement Naturalization/Citizenship Document (paper filing)	\$555	\$545	-\$10	-2 percent
N-600 Application for Certificate of Citizenship (online filing)	\$1,170	\$990	-\$180	-15 percent
N-600 Application for Certificate of Citizenship (paper filing)	\$1,170	\$1,000	-\$170	-15 percent
N-600K Application for Citizenship and Issuance of Certificate (online filing)	\$1,170	\$935	-\$235	-20 percent
N-600K Application for Citizenship and Issuance of Certificate (paper filing)	\$1,170	\$945	-\$225	-19 percent
USCIS Immigrant Fee	\$220	\$190	-\$30	-14 percent
Biometric Services (Non-DACA)	\$85	\$30	-\$55	-65 percent
Biometric Services (DACA only)	\$85	\$85	\$0	0 percent
G-1041 Genealogy Index Search Request (online filing)	\$65	\$160	\$95	146 percent
G-1041 Genealogy Index Search Request (paper filing)	\$65	\$170	\$105	162 percent
G-1041A Genealogy Records Request (online filing)	\$65	\$255	\$190	292 percent
G-1041A Genealogy Records Request (paper filing)	\$65	\$265	\$200	308 percent

Table 2 - Categories and Forms Without Fees or Eligible for Fee Waivers

Category	Main Immigration Benefit Requests	Associated Forms
<p>Violence Against Women Act (VAWA) self-petitioners and derivatives as defined in INA section 101(a)(51) or individuals otherwise self-petitioning for immigrant classification or seeking adjustment of status due to abuse by a qualifying relative</p>	<p>Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (no fee for VAWA-based filings)</p> <p>Form I-485, Application to Register Permanent Residence or Adjust Status</p> <p>Form I-751, Petition to Remove Conditions on Residence</p> <p>Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to Section 203 of Public Law 105-100 (NACARA))</p>	<p>Form I-131, Application for Travel Document</p> <p>Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal</p> <p>Form I-290B, Notice of Appeal or Motion</p> <p>Form I-601, Application for Waiver of Grounds of Inadmissibility</p> <p>Form I-765, Application for Employment Authorization (no initial fee for principals)</p> <p>Form N-400, Application for Naturalization</p> <p>Form N-600, Application for Certificate of Citizenship</p> <p>Form N-600K, Application for Citizenship and Issuance of Certificate Under Section 322</p>
<p>Victims of Severe Form of Trafficking (T nonimmigrant)</p>	<p>Form I-914, Application for T Nonimmigrant Status (no fee)</p> <p>Form I-914 Supplement A, Application for Family Member of T-1, Recipient (no fee)</p> <p>Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (no fee)</p> <p>Form I-485, Application to Register Permanent Residence or Adjust Status</p>	<p>Form I-131, Application for Travel Document</p> <p>Form I-192, Application for Advance Permission to Enter as a Nonimmigrant</p> <p>Form I-193, Application for Waiver of Passport and/or Visa</p> <p>Form I-290B, Notice of Appeal or Motion</p> <p>Form I-539, Application to Extend/Change Nonimmigrant Status</p> <p>Form I-601, Application for Waiver of Grounds of Inadmissibility</p> <p>Form I-765, Application for Employment Authorization (no initial fee for principals)</p> <p>Form N-400, Application for Naturalization</p> <p>Form N-600, Application for Certificate of Citizenship</p> <p>Form N-600K, Application for Citizenship and Issuance of Certificate Under Section 322</p>

Category	Main Immigration Benefit Requests	Associated Forms
Victims of Criminal Activity (U nonimmigrant)	Form I-918, Petition for U Nonimmigrant Status (no fee) Form I-918, Supplement A, Petition for Qualifying Family Member of U-1 Recipient (no fee) Form I-918 Supplement B, U Nonimmigrant Status Certification (no fee) Form I-929, Petition for Qualifying Family Member of a U-1 Nonimmigrant Form I-485, Application to Register Permanent Residence or Adjust Status	Form I-131, Application for Travel Document Form I-192, Application for Advance Permission to Enter as a Nonimmigrant Form I-193, Application for Waiver of Passport and/or Visa Form I-290B, Notice of Appeal or Motion Form I-539, Application to Extend/Change Nonimmigrant Status Form I-765, Application for Employment Authorization (no initial fee for principals) Form N-400, Application for Naturalization Form N-600, Application for Certificate of Citizenship Form N-600K, Application for Citizenship and Issuance of Certificate Under Section 322
Employment authorization for battered spouses of A, G, E-3, or H nonimmigrants	Form I-765V, Application for Employment Authorization for Abused Nonimmigrant Spouse (no initial fee)	None
Battered spouses or children of a lawful permanent resident or U.S. citizen and derivatives under INA section 240A(b)(2)	None with USCIS	Form I-601, Waiver of Grounds of Inadmissibility Form N-400, Application for Naturalization Form N-600, Application for Certificate of Citizenship Form N-600K, Application for Citizenship and Issuance of Certificate Under Section 322
Temporary Protected Status	Form I-821, Application for Temporary Protected Status Biometric Services Fee	Form I-131, Application for Travel Document Form I-601, Application for Waiver of Grounds of Inadmissibility Form I-765, Application for Employment Authorization

Category	Main Immigration Benefit Requests	Associated Forms
<p>Special Immigrant Juveniles (SIJ) who have been placed in out-of-home care under the supervision of a juvenile court or a state child welfare agency at the time of filing</p>	<p>Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (no fee) Form I-485, Application to Register Permanent Residence or Adjust Status.</p>	<p>Form I-131, Application for Travel Document Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal Form I-290B, Notice of Appeal or Motion Form I-601, Application for Waiver of Grounds of Inadmissibility Form I-765, Application for Employment Authorization Form N-400, Application for Naturalization Form N-600, Application for Certificate of Citizenship Form N-600K, Application for Citizenship and Issuance of Certificate Under Section 322</p>
<p>Special Immigrant as an Afghan or Iraqi Translator or Interpreter, Iraqi National employed by or on behalf of the U.S. Government, or Afghan National employed by or on behalf of the U.S. government or employed by the International Security Assistance Forces</p>	<p>Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (no fee) Form I-485, Application to Register Permanent Residence or Adjust Status (no fee)</p>	<p>Form I-131, Application for Travel Document (no fee) Form I-290B, Notice of Appeal or Motion (no fee) Form I-765, Application for Employment Authorization (no fee) Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal Form I-601, Application for Waiver of Grounds of Inadmissibility Form N-400, Application for Naturalization Form N-600, Application for Certificate of Citizenship Form N-600K, Application for Citizenship and Issuance of Certificate Under Section 322</p>

End Notes

- ¹ USCIS, News Release, *USCIS Adjusts Fees to Help Meet Operational Needs* (July 31, 2020), <https://www.uscis.gov/news/news-releases/uscis-adjusts-fees-to-help-meet-operational-needs>.
- ² DHS, *USCIS Fee Schedule Proposed Rule*, 84 Fed. Reg. 62280 (Nov. 14, 2019); ILRC, *ILRC Comments on the Proposed Fee Rule* (Dec. 23, 2019) https://www.ilrc.org/sites/default/files/resources/2019.12.23_comments_of_ilrc_on_proposed_fee_rule.pdf.
- ³ For more background on the attempted changes to the I-912 and subsequent injunction, see ILRC, *Fee Waivers: Status of Proposed Changes* (Dec. 2019) https://www.ilrc.org/sites/default/files/resources/fee_waiver_update-final-12.16.19.pdf. For a copy of the nationwide injunction that barred the changes to the I-912 see Protect Democracy, *City of Seattle v. DHS, Order Granting Plaintiffs' Motion for Nationwide Preliminary Injunction* (Dec. 11, 2019) <https://protectdemocracy.org/project/city-of-seattle-v-dhs/>.
- ⁴ Note that DHS will discount \$10 to those who choose to electronically file applications currently available for online filing. These applications include Forms I-90, I-130, I-539, N-400, N-400, N-600, N-660K, G-1041, and G-1041A.
- ⁵ Note that asylum applicants will also need to pay separate fees for biometrics (\$30) and for employment authorization (\$550).
- ⁶ See DHS, *USCIS Fee Schedule Proposed Rule*, 84 Fed. Reg. 62319, Table 14 (Nov. 14, 2019).
- ⁷ See INA sec. 286(m), 8 U.S.C. 1356(m); see also INA section 245(l)(7), 8 U.S.C. 1255(l)(7).
- ⁸ Review the list of applications benefit types that can apply for a fee waiver in the current regulations until Oct. 2, 2020, available at <https://www.law.cornell.edu/cfr/text/8/103.7> <https://www.law.cornell.edu/cfr/text/8/103.7>.
- ⁹ USCIS, I-912, Request for Fee Waiver <https://www.uscis.gov/sites/default/files/document/forms/i-912-pc.pdf>.
- ¹⁰ The USCIS Director may nonetheless authorize a fee waiver in very limited circumstances for those who would not normally qualify if there is an emergent circumstance or declared national disaster, the director invokes such a waiver, and where the following requirements are met by the individual: (1) has an annual household income at or below 125 percent of the federal poverty level, (2) is not required to file an affidavit of support for the immigration benefit they seek, (3) is not, where applicable, subject to the public charge inadmissibility ground.
- ¹¹ See 8 CFR 103.7(b)(1)(i)(U).
- ¹² See Table 11, Information Collection, 85 Fed. Reg. 46906 (Aug. 3, 2020). Check the validity date of the particular USCIS form on the USCIS web site before submitting it to make sure you are using the most current form.



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About the Immigrant Legal Resource Center

The Immigrant Legal Resource Center (ILRC) works with immigrants, community organizations, legal professionals, law enforcement, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training and technical assistance, and policy development and advocacy, the ILRC's mission is to protect and defend the fundamental rights of immigrant families and communities.