



## Proposed USCIS Fee Increases To Hit Employers, Business Immigration Filings

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U.S. employers may soon face significantly higher fees to sponsor foreign national workers. On Jan. 4, 2023, the U.S. Citizenship and Immigration Services (USCIS) published a [Notice of Proposed Rulemaking \(NPRM\)](#) proposing significant filing fee increases for nonimmigrant and immigrant petitions. The rule is currently in the 60-day comment period, which concludes March 6.

These proposed fee increases are quite considerable. Under the proposed rule, employers could pay 70 percent more for H-1B (\$780), 201 percent more for L-1 (\$1,385), 129 percent more for O-1 (\$1,055), and 121 percent more for E and TN filings. For I-140 petitions, the proposed filing fee increase is more modest at 2 percent (\$700 to \$715).

In addition, the Department of Homeland Security (DHS) wishes to introduce a separate \$600 Asylum Program Fee payment for I-129 and I-140 petitions to shift costs of asylum and humanitarian relief programs.

The USCIS also proposes removing the bundled fee benefit for Adjustment of Status (I-485) petitions filed with Advance Parole (I-131) and Employment Application Documents (I-765) petitions, increasing the filing fee by 130 percent (\$1,125 to \$2,820).

Below is a chart of common employment-based petitions affected by the proposal:

### RELATED PRACTICE AREAS

Immigration and Global Mobility Services  
Labor and Employment

### RELATED TOPICS

Immigration  
United States Citizenship and Immigration  
Services (USCIS)  
Employers

Immigration Process	Current Filing Fee	Proposed Filing Fee	Filing Fee Increase (%)
H-1B Pre-Registration Fee	\$10	\$215	2050%
H-1B Pre-Registration Fee	\$460	\$780	70%
I-129 L Petition	\$460	\$1,385	201%
I-129 O Petition	\$460	\$1,055	129%
I-129 E and TN Petition	\$460	\$1,015	121%
I-130 Petition	\$535	\$710	33%
I-140 Petition	\$700	\$715	2%
I-485 Petition	\$1,225	\$1,540	26%
I-485 Petition (children under the age of 14)	\$750	\$1,540	105%
I-485 Petition (Filed with I-131 and I-765)	\$1,225	\$2,820	130%
I-765 Petition Paper Filing	\$410	\$650	59%
I-765 Petition Online Filing	\$410	\$555	35%
I-539 Petition Paper Filing	\$370 (without biometrics)	\$620	68%
I-539 Petition Online Filing	\$370 (without biometrics)	\$525	42%
N-400 Petition	\$640	\$760	19%
I-751 Petition	\$595 (without biometrics)	\$1,195	101%

A complete chart of USCIS' current and proposed fee increases is available starting on page 407 of [Notice of Proposed Rulemaking](#).

In addition, the USCIS proposes changes to the premium processing timeline. Under the proposed rule, the premium processing service would change from 15 *calendar* days to 15 *business* days effectively increasing the processing time.

At the conclusion of the 60-day comment period, the USCIS will publish a final rule. The proposed fee increases will not affect this year's H-1B pre-registration.