

PUBLICATION

USCIS Reminders: Increased Filing Fees, Additional Asylum Program Fee, and Extended Premium Processing Times

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USCIS published a final rule (the Final Rule) on January 31, 2024, increasing certain filing fees that went into effect on April 1, 2024.

Now that these fees are in effect, we want to highlight important details regarding the Final Rule and provide a chart with certain increased filing fees.

- **NEW ONE-TIME ASYLUM PROGRAM FEE:**
 - USCIS created a new fee to support the US asylum system and enhance efficiency. **Employers must now pay a one-time Asylum Program fee of \$600 for each Form I-129 and I-140 they file.**
 - The same employers (under 25 employees) will be required to pay an Asylum Program fee but at a discount of **\$300.**
 - Nonprofits will be exempt from paying the Asylum Program Fee.
- **INCREASED USCIS FILING FEES NOW IN EFFECT:**
 - The fees listed below do not include the American Workforce Improvement Act of 1988 (ACWIA) fee of **\$1500/\$750** required of certain H-1B employers and the **\$500** Fraud Prevention and Detection fee required for certain H and L filings. These fee amounts and requirements are unchanged and detailed [here](#).

Form / Visa Type	Type of Filing	New Fee
I-129 H-1	Small employers and non-profits	US \$460
	All other employers	US \$780
I-129 L	Small employers and non-profits	US \$695
	All other employers	US \$1,385
I-129 O, Nonimmigrant Workers	Small employers and non-profits	US \$530

	All other employers	US \$1,055
I-129, Petition for Nonimmigrant Worker: E, H-3, P, Q, R, or TN	Small employers and non-profits	US \$510
	All other employers	US \$1,015
I-140, Immigrant Petition	All employers	US \$715
I-539, Application to Extend/ Change Nonimmigrant Status	Online	US \$420
	Paper	US \$470
I-765, Application for Employment Authorization	Online	US \$470
	Paper	US \$520

- **PREMIUM PROCESSING SERVICE (FORM I-907) TIMEFRAME EXTENSION AND FEE INCREASE:**

- Timeframe Extension: the premium processing timeframe for I-129 and certain I-140 filings has been extended from 15 **calendar** days to 15 **business** days.
- Similarly, the timeframes for processing eligible I-765 and I-539 cases have been extended to 30 **business** days and 45 **business** days for eligible I-140 multinational manager and EB-2 National Interest Waiver cases.
- Fee Increase: This fee has increased from \$2,500 to **\$2,805** for I-129 and I-140 forms. Other premium fee increases are noted in the chart below:

Form	Previous Fee	New Fee
Form I-129, Petition for a Nonimmigrant Worker	\$1,500 (H-2B or R-1 nonimmigrant status)	\$1,685 (H-2B or R-1 nonimmigrant status)
	\$2,500 (All other available Form I-129 classifications (E-1, E-2, E-3, H-1B, H-3, L-1A, L-1B, LZ, O-1, O-2, P-1, P-1S, P-2, P-2S, P-3, P-3S, Q-1, TN-1, and TN-2))	\$2,805 (All other available Form I-129 classifications (E-1, E-2, E-3, H-1B, H-3, L-1A, L-1B, LZ, O-1, O-2, P-1, P-1S, P-2, P-2S, P-3, P-3S, Q-1, TN-1, and TN-2))
Form I-140, Immigrant Petition for Alien Worker	\$2,500 (Employment-based (EB) classifications E11, E12, E21 (non-NIW), E31, E32, EW3, E13 and E21 (NIW))	\$2,805 (Employment-based (EB) classifications E11, E12, E21 (non-NIW), E31, E32, EW3, E13 and E21 (NIW))

Form I-539, Application to Extend/Change Nonimmigrant Status	\$1,750 (Form I-539 classifications F-1, F-2, M-1, M-2, J-1, J-2, E-1, E-2, E-3, L-2, H-4, O-3, P-4, and R-2)	\$1,965 (Form I-539 classifications F-1, F-2, M-1, M-2, J-1, J-2, E-1, E-2, E-3, L-2, H-4, O-3, P-4, and R-2)
Form I-765, Application for Employment Authorization	\$1,500 (Certain F-1 students with categories C03A, C03B, C03C)	\$1,685 (Certain F-1 students with categories C03A, C03B, C03C)

More information as to the new fee schedule may be found [here](#), with access to all current USCIS filing fees [here](#).

If you have any questions regarding the updated fees or timeframes for submitting, please reach out to [Melanie C. Walker](#) or any member of Baker Donelson's [Immigration Team](#).

Tony Garofalo, a paralegal at Baker Donelson, contributed to this article and is not admitted to the practice of law.