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Filing Fee Increases and H-1B CAP Season Are Approaching – Time to Plan Ahead and Budget Accordingly!

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In addition to the increase in Premium Processing Fees already slated to become effective February 26, 2024, USCIS has announced filing fee increases for almost all other filings, with discounted fees in many cases for online filing or for small employers/nonprofits. These fees will go into effect on April 1, 2024. USCIS has also announced updates to the H-1B Cap Registration Process, which will take place from March 6 to March 22, 2024.

Filing Fee Changes Ahead:

On January 30, 2024, USCIS published a final rule to increase filing fees for the first time since 2016. DHS determined the USCIS fees needed to be adjusted to fully recover costs and maintain adequate service. The effective date of the new fees is April 1, 2024. Below is a summary of some significant changes in the final rule primarily affecting employment-related filings.

- Establishing separate fees for Form I-129, Petition for a Nonimmigrant Worker, by nonimmigrant classification (e.g., H-1B, L-1, O-1), instead of form type.
- Requiring separate filing fees for Form I-485 (adjustment of status), Form I-131 (travel document), and Form I-765 (employment authorization), but with a discount when they are filed together. Previously, there was no fee for these ancillary applications when filed together with the I-485 (and no fees for renewals). DHS has unbundled these applications and assessed fees for each application to increase the efficiency of processing times and eliminate the filing of these additional applications for individuals not needing work authorization or who have no intention of traveling outside the U.S. while their adjustment application is pending.
- Providing special fee discounts for nonprofits 501(c)(3) and small employers. A small employer is defined as one with 25 or fewer full-time employees.
- Providing a \$50 discount for online filings.
- Increasing the H-1B registration fee from \$10 to \$215. NOTE: This increase will not be effective for the FY25 registration period about to occur in March 2024.
- Changing premium processing timelines from calendar days to business days.

USCIS has posted a [Frequently Asked Questions \(FAQS\) page](#) related to the increased fees, along with a full fee schedule including the previous fee, new fee, and percentage of increase.

Some examples of the fee increases that will go into effect on 4/1/2024 include:

Type of Filing	Current Fee	Final Fee effective 4/1/2024
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I-129 H-B	\$460	\$780 (\$460 for small employers)
I-129 L-1	\$460	\$1,385 (\$695 small employers/non-profits)
I-129 O-1	\$460	\$1,055 (\$530 small employer/non-profits)
I-130 Petition for Alien Relative	\$535	\$675 (\$625 online)
I-131 Application for Travel Authorization	0 with adjustment application Or \$575/\$660	\$630
I-140 Immigrant Petition for Alien Worker	\$700	\$715
I-485 Adjustment Application	\$1,225	\$1,440
I-526/526E Immigrant Petition by Standalone/Regional Center	\$3,676	\$11,160
I-765 Application for Employment Authorization	0 with adjustment application \$410/\$495	\$470 online/ \$520 paper filing
I-829 Petition by Investor to Remove Conditions	\$3,750	\$9,525
N-400 Naturalization Application	\$725	\$710 online/\$760 paper filing

These increases are in addition to the Increases to Premium Processing Fees due to become **effective February 26, 2024**.

- **Premium Processing Fee of \$1,500** increases to \$1,685,
- **Premium Processing Fee of \$1,750** increases to \$1,965, and
- **Premium Processing Fee of \$2,500** increases to \$2,805.

H-1B Modernization:

USCIS has also announced updates for the fiscal year (FY 2025) H-1B cap season. This announcement includes:

- provisions from the H-1B Registration final rule (Improving the H-1B Selection Process and Program Integrity);
- the dates for the initial H-1B cap registration period for the FY 2025 H-1B cap: noon **Eastern on March 6, 2024, through noon Eastern on March 22, 2024**;
- and the online filing launch of Form I-129, Petition for a Nonimmigrant Worker, and Form I-907, Request for Premium Processing Service, for H-1B petitioners; and
- modernizing H-1B requirements.

USCIS changes to the H-1B registration process for FY 2025 include:

- Implementation of a "beneficiary-centric selection process," in which USCIS will consider the number of entries submitted into the lottery based on the unique beneficiary instead of the number of registrations submitted. This will ensure each beneficiary has the same chance of being selected in the lottery regardless of how many registrations are submitted on their behalf.
- Requiring registrations to include the valid passport or travel document information for the beneficiary and prohibiting the beneficiary from being filed under more than one passport or travel document.
- Start date flexibility for certain H-1B Cap-subject petitions to allow for a requested start date after October 1.
- Codifying USCIS's ability to deny and/or revoke approved H-1B petitions where the petition, registration, or the labor condition application includes inaccurate, fraudulent, or misrepresented material facts.

If you have any questions related to the fee increase and how this may affect your organization, please reach out to the author, [Melanie Walker](#), or any member of Baker Donelson's [Immigration Team](#).

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