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Big Changes Coming to USCIS Fees, Forms, and Operations Starting October 2, 2020

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As a reminder to all those planning to file an application with USCIS on or after October 2, 2020, U.S. Citizenship and Immigration Services (USCIS) will begin implementing a new fee schedule. Any applications or petitions postmarked on or after October 2, 2020 will be subject to the new fee schedule. The new fee schedule was announced on September 2, 2020 and was set to go into effect October 2, 2020. Some of the changes are minor, but other changes are sizable and may require greater consideration and planning. Please check the USCIS webpage for your intended application or petition on or after October 2, 2020 for updated fees. A full list of fee changes can be found [here](#).

Some noteworthy fees changes are as follows:

- **Adjustment of Status:** The fee for filing Form I-485 has only decreased by \$10 to \$1,130. However, those under the age of 14 will no longer receive a reduced fee and will also be required to pay \$1,130. Those applying for adjustment of status will also now be required to pay for Form I-765, Application for Employment Authorization (\$550) and Form I-131, Application for Travel Document (\$590).
- **Naturalization:** The fee for naturalization will increase from \$640 to \$1,170 for paper filings and to \$1,160 for online filings. Additionally, the N-400 no longer has a reduced fee option for those that qualify. Most other forms associated with Naturalization have had substantial changes and those changes should be reviewed before filing any naturalization forms.
- **50-50 Rule:** The \$4,000 fee for H-1B petitions and \$4,500 fee for L-1 petitions when the petitioner employs more than 50 workers in the United States and that workforce is made up of more than 50% H-1B or L-1 workers now applies to H-1B and L-1 extension petitions as well. However, it does not apply to

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amended petitions not seeking an associated extension request.

- **Biometrics:** With a handful of exceptions, USCIS has eliminated a separate biometrics fee. The cost of biometrics is now included in the fee for the respective application.
- **Asylum and Withholding:** Prior to this change, there was no fee to apply for asylum or withholding. However, the upcoming changes include a \$50 fee for Form I-589.
- **Waivers:** The fee for Form I-601A (unlawful presence waiver) has increased from \$630 to \$960. On the other hand, the fee for Form I-612 (waiver of foreign residence requirement) has decreased from \$930 to \$515.
- **Fee Waivers:** This upcoming change also further restricts who is eligible for fee waivers through Form I-912.

In addition to these fee modifications, USCIS is replacing form I-129 with visa category-specific forms that will also go into effect October 2, 2020:

- H-1B or H-1B1 non-immigrant worker classifications will now use Form I-129H1 with a filing fee of \$555.
- H-2A non-immigrant worker classification will now use Form I-129H2A with a filing fee of \$850 for those with a named beneficiary and \$415 for those with an unnamed beneficiary.
- H-2B non-immigrant worker classification will now use Form I-129H2B with a filing fee of \$715 for those with a named beneficiary and \$385 for those with an unnamed beneficiary.
- L non-immigrant worker classifications will use Form I-129L with a filing fee of \$805.
- O non-immigrant worker classifications will use Form I-129O with a filing fee of \$705.
- E and TN non-immigrant worker classifications will use Form I-129E&TN with a filing fee of \$695.
- H-3, P, Q, or R non-immigrant worker classifications will use Form I-129MISC with a filing fee of \$695.
- A CNMI-Only non-immigrant transitional worker will use Form I-129CW with a filing fee of \$695.

Along with this major form change, USCIS will limit the number of named beneficiaries that can be included on a single petition for H-2A, H-2B, H-3, O-2, P, Q, and TN workers to 25 beneficiaries.

Those filing the applications discussed above or any other applications with premium processing should be aware that, although the fee did not change, the time frame was adjusted. Premium processing will no longer be 15 calendar days but 15 business days for applications submitted on or after October 2, 2020.

If you are filing on or after October 2, 2020 and have done so in accordance with these updates, there is an additional change that has been made to the receipt of secure identification documents (e.g. permanent resident cards, employment authorization cards) from USCIS. In order to receive secure identification documents applicants will need to present identification and sign for their document upon delivery. Applicants can sign up for delivery status notifications to ensure that they are available when their documents are delivered. Additionally, applicants can designate agents, attorneys, or accredited representatives to sign on their behalf.

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These changes will be here in a short time, and prospective applicants should consider and begin planning for these changes. This alert highlights the major upcoming changes, but this alert is not a comprehensive overview of the numerous procedural changes coming to USCIS. If you have any questions or concerns, please consult with an immigration attorney. It is important to also note that there are two pending lawsuits challenging the new fee schedule. These cases could cause a delay in the implementation of the new fee schedule. Those submitting applications or petitions with USCIS on or after October 2, 2020 should review whether the new fee schedule went into effect as planned or whether currently pending litigation has caused a deferment.

If you have any questions about these considerable changes, need representation for your immigration case, or would like to consult with an immigration attorney, please contact any member of the Butzel Long Immigration Practice Group.

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