

Table 1: Comparison of Current¹⁰ and Proposed Fees					
Immigration Benefit Request		Current Fee(s)	Proposed Fee(s)	Difference	
I-881	Application for Suspension of Deportation or Special Rule Cancellation of Removal (for a family adjudicated by Executive Office for Immigration Review)	\$165	\$165	\$0	0%
I-914	Application for T Nonimmigrant Status	No Fee	No Fee	N/A	N/A
I-914A	Application for Family Member of T-1 Recipient	No Fee	No Fee	N/A	N/A
I-918	Petition for U Nonimmigrant Status	No Fee	No Fee	N/A	N/A
I-918A	Petition for Qualifying Family Member of U-1 Recipient	No Fee	No Fee	N/A	N/A
I-918B	U Nonimmigrant Status Certification	No Fee	No Fee	N/A	N/A
I-929	Petition for Qualifying Family Member of a U-1 Nonimmigrant	\$230	\$270	\$40	17%
	Reasonable Fear	No Fee	No Fee	N/A	N/A
Family-Based					
I-129F	Petition for Alien Fiancé(e)	\$535	\$720	\$185	35%
I-130	Petition for Alien Relative - Online	\$535	\$710	\$175	33%
I-130	Petition for Alien Relative - Paper	\$535	\$820	\$285	53%
I-600	Petition to Classify Orphan as an Immediate Relative	\$775	\$920	\$145	19%
I-600	Petition to Classify Orphan as an Immediate Relative (with biometric services for one adult)	\$860	\$920	\$60	7%
I-600A	Application for Advance Processing of an Orphan Petition	\$775	\$920	\$145	19%
I-600A	Application for Advance Processing of an Orphan Petition (with biometric services for one adult)	\$860	\$920	\$60	7%
I-600A/I-600 Supp. 3	Request for Action on Approved Form I-600A/I-600	N/A	\$455	N/A	N/A
I-601A	Application for Provisional Unlawful Presence Waiver	\$630	\$1,105	\$475	75%
I-601A	Application for Provisional Unlawful Presence Waiver (with biometric services)	\$715	\$1,105	\$390	55%
I-751	Petition to Remove Conditions on Residence	\$595	\$1,195	\$600	101%
I-751	Petition to Remove Conditions on Residence (with biometric services)	\$680	\$1,195	\$515	76%

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I-800	Petition to Classify Convention Adoptee as an Immediate Relative	\$775	\$920	\$145	19%
I-800A	Application for Determination of Suitability to Adopt a Child from a Convention Country	\$775	\$920	\$145	19%
I-800A	Application for Determination of Suitability to Adopt a Child from a Convention Country (with biometric services)	\$860	\$920	\$60	7%
I-800A Supp. 3	Request for Action on Approved Form I-800A	\$385	\$455	\$70	18%
I-800A Supp. 3	Request for Action on Approved Form I-800A (with biometric services)	\$470	\$455	-\$15	-3%
Employment-Based					
	Asylum Program Fee	N/A	\$600	N/A	N/A
	H-1B Pre-Registration Fee	\$10	\$215	\$205	2050%
I-129	Petition for a Nonimmigrant Worker: H-1 Classifications	\$460	\$780	\$320	70%
I-129	H-2A Petition - Named Beneficiaries	\$460	\$1,090	\$630	137%
I-129	H-2B Petition - Named Beneficiaries	\$460	\$1,080	\$620	135%
I-129	Petition for L Nonimmigrant Worker	\$460	\$1,385	\$925	201%
I-129	Petition for O Nonimmigrant Worker	\$460	\$1,055	\$595	129%
I-129CW, and I-129	Petition for a CNMI-Only Nonimmigrant Transitional Worker; Application for Nonimmigrant Worker: E and TN Classifications; and Petition for Nonimmigrant Worker: H-3, P, Q, or R Classification	\$460	\$1,015	\$555	121%
I-129CW, and I-129	Petition for a CNMI Nonimmigrant Worker (with biometric services fee)	\$545	\$1,055	\$595	129%
I-129	H-2A Petition - Unnamed Beneficiaries	\$460	\$530	\$70	15%
I-129	H-2B Petition - Unnamed Beneficiaries	\$460	\$580	\$120	26%
I-140	Immigrant Petition for Alien Worker	\$700	\$715	\$15	2%
I-526	Immigrant Petition by Standalone Investor	\$3,675	\$11,160	\$7,485	204%

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I-526E	Immigrant Petition by Regional Center Investor	\$3,675	\$11,160	\$7,485	204%
I-765	Application for Employment Authorization - Online	\$410	\$555	\$145	35%
I-765	Application for Employment Authorization - Paper	\$410	\$650	\$240	59%
I-765	Application for Employment Authorization - Online (with biometric services)	\$495	\$650	\$240	59%
I-765	Application for Employment Authorization - Paper (with biometric services)	\$495	\$650	\$155	31%
I-829	Petition by Investor to Remove Conditions on Permanent Resident Status	\$3,750	\$9,525	\$5,775	154%
I-829	Petition by Investor to Remove Conditions on Permanent Resident Status (with biometric services)	\$3,835	\$9,525	\$5,690	148%
I-907	Request for Premium Processing Service when filing: Form I-129 requesting E-1, E-2, E-3, H-1B, H-3, L (including blanket L-1), O, P, Q, or TN nonimmigrant classification; or Form I-140 requesting EB-1, EB-2, or EB-3 immigrant visa classification	\$2,500	\$2,500	\$0	0%
I-907	Request for Premium Processing Service when filing Form I-129 requesting H-2B or R nonimmigrant classification	\$1,500	\$1,500	\$0	0%
I-956	Application For Regional Center Designation	\$17,795	\$47,695	\$29,900	168%
I-956G	Regional Center Annual Statement	\$3,035	\$4,470	\$1,435	47%
Other					
I-90	Application to Replace Permanent Resident Card - Online	\$455	\$455	\$0	0%
I-90	Application to Replace Permanent Resident Card - Paper	\$455	\$465	\$10	2%
I-90	Application to Replace Permanent Resident Card - Online (with biometric services)	\$540	\$455	-\$85	-16%

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I-90	Application to Replace Permanent Resident Card - Paper (with biometric services)	\$540	\$465	-\$75	-14%
I-102	Application for Replacement/Initial Nonimmigrant Arrival-Departure Document	\$445	\$680	\$235	53%
I-131	Application for Travel Document	\$575	\$630	\$55	10%
I-131	Application for Travel Document (with biometric services)	\$660	\$630	-\$30	-5%
I-131	I-131 Refugee Travel Document for an individual age 16 or older	\$135	\$165	\$30	22%
I-131	I-131 Refugee Travel Document for an individual age 16 or older (with biometric services)	\$220	\$165	-\$55	-25%
I-131	I-131 Refugee Travel Document for a child under the age of 16	\$105	\$135	\$30	29%
I-131	I-131 Refugee Travel Document for a child under the age of 16 (with biometric services)	\$190	\$135	-\$55	-29%
I-131A	Application for Carrier Documentation	\$575	\$575	\$0	0%
I-191	Application for Relief Under Former Section 212(c) of the Immigration and Nationality Act (INA)	\$930	\$930	\$0	0%
I-192	Application for Advance Permission to Enter as Nonimmigrant (filed with USCIS)	\$930	\$1,100	\$170	18%
I-192	Application for Advance Permission to Enter as Nonimmigrant (filed with CBP)	\$585	\$1,100	\$515	88%
I-193	Application for Waiver of Passport and/or Visa	\$585	\$695	\$110	19%
I-212	Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal	\$930	\$1,395	\$465	50%
I-290B	Notice of Appeal or Motion	\$675	\$800	\$125	19%
I-360	Petition for Amerasian Widow(er) or Special Immigrant	\$435	\$515	\$80	18%
I-485	Application to Register Permanent Residence or Adjust Status	\$1,140	\$1,540	\$400	35%

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I-485	Application to Register Permanent Residence or Adjust Status (with biometric services)	\$1,225	\$1,540	\$315	26%
I-485	Application to Register Permanent Residence or Adjust Status (under the age of 14 in certain conditions)	\$750	\$1,540	\$790	105%
I-485	Forms I-485 and I-131 with biometric services	\$1,225	\$2,170	\$945	77%
I-485	Forms I-485 and I-765 (filed on paper) with biometric services	\$1,225	\$2,190	\$965	79%
I-485	Forms I-485, I-131, and I-765 (filed on paper) with biometric services	\$1,225	\$2,820	\$1,595	130%
I-485A	Supplement A, Supplement A to Form I-485, Adjustment of Status Under Section 245(i)	\$1,000	\$1,000	\$0	0%
I-539	Application to Extend/Change Nonimmigrant Status - Online	\$370	\$525	\$155	42%
I-539	Application to Extend/Change Nonimmigrant Status - Paper	\$370	\$620	\$250	68%
I-539	Application to Extend/Change Nonimmigrant Status - Online (with biometric services)	\$455	\$525	\$70	15%
I-539	Application to Extend/Change Nonimmigrant Status - Paper (with biometric services)	\$455	\$620	\$165	36%
I-601	Application for Waiver of Grounds of Inadmissibility	\$930	\$1,050	\$120	13%
I-612	Application for Waiver of the Foreign Residence Requirement (Under Section 212(e) of the INA, as Amended)	\$930	\$1,100	\$170	18%
I-690	Application for Waiver of Grounds of Inadmissibility	\$715	\$985	\$270	38%
I-824	Application for Action on an Approved Application or Petition	\$465	\$675	\$210	45%
I-905	Application for Authorization to Issue Certification for Health Care Workers	\$230	\$230	\$0	0%
I-910	Application for Civil Surgeon Designation	\$785	\$1,230	\$445	57%
I-941	Application for Entrepreneur Parole	\$1,200	\$1,200	\$0	0%
I-941	Application for Entrepreneur Parole (with biometric services)	\$1,285	\$1,200	-\$85	-7%

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	Biometric Services (in most cases)	\$85	\$0	-\$85	-100%
	Biometric Services (TPS and EOIR only)	\$85	\$30	-\$55	-65%
	USCIS Immigrant Fee	\$220	\$235	\$15	7%
Genealogy and Records					
G-1041	Genealogy Index Search Request - Online	\$65	\$100	\$35	54%
G-1041	Genealogy Index Search Request - Paper	\$65	\$120	\$55	85%
G-1041A	Genealogy Records Request - Online	\$65	\$240	\$175	269%
G-1041A	Genealogy Records Request - Paper	\$65	\$260	\$195	300%
G-1041 and G-1041A	Genealogy Index Search Request and Records Request - Online (digital records)	\$130	\$100	-\$30	-23%
G-1566	Certificate of Non-Existence	\$0	\$330	\$330	N/A
No Fee					
I-134	Declaration of Financial Support	No Fee	No Fee	N/A	N/A
I-361	Affidavit of Financial Support and Intent to Petition for Legal Custody for Public Law 97-359 Amerasian	No Fee	No Fee	N/A	N/A
I-363	Request to Enforce Affidavit of Financial Support and Intent to Petition for Legal Custody for Public Law 97-359 Amerasian	No Fee	No Fee	N/A	N/A
I-407	Record of Abandonment of Lawful Permanent Resident Status	No Fee	No Fee	N/A	N/A
I-485J	Confirmation of Bona Fide Job Offer or Request for Job Portability Under INA Section 204(j)	No Fee	No Fee	N/A	N/A
I-508	Request for Waiver of Certain Rights, Privileges, Exemptions, and Immunities	No Fee	No Fee	N/A	N/A
I-566	Interagency Record of Request – A, G, or NATO Dependent Employment Authorization or Change/Adjustment To/From A, G, or NATO Status	No Fee	No Fee	N/A	N/A
I-693	Report of Medical Examination and Vaccination Record	No Fee	No Fee	N/A	N/A

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I-854	Inter-Agency Alien Witness and Informant Record	No Fee	No Fee	N/A	N/A
I-864	Affidavit of Support Under Section 213A of the INA	No Fee	No Fee	N/A	N/A
I-864A	Contract Between Sponsor and Household Member	No Fee	No Fee	N/A	N/A
I-864EZ	Affidavit of Support Under Section 213A of the INA	No Fee	No Fee	N/A	N/A
I-864W	Request for Exemption for Intending Immigrant's Affidavit of Support	No Fee	No Fee	N/A	N/A
I-865	Sponsor's Notice of Change of Address	No Fee	No Fee	N/A	N/A
I-912	Request for Fee Waiver	No Fee	No Fee	N/A	N/A
I-942	Request for Reduced Fee	No Fee	No Fee	N/A	N/A

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III. Basis for the Fee Review

A. Legal Authority and Guidance

DHS is issuing this proposed rule consistent with INA sec. 286(m), 8 U.S.C. 1356(m) (authorizing DHS to charge fees for adjudication and naturalization services at a level to “ensure recovery of the full costs of providing all such services, including the costs of similar services provided without charge to asylum applicants or other immigrants”),¹¹ and the CFO Act, 31 U.S.C. 901-03 (requiring each agency's Chief Financial Officer (CFO) to review, on a biennial basis, the fees imposed by the agency for services it provides, and to recommend changes to the agency's fees).

This proposed rule is also consistent with non-statutory guidance on fees, the budget process, and Federal accounting principles.¹² DHS uses OMB Circular

¹¹ The longstanding interpretation of DHS is that the “including” clause in section 286(m) does not constrain DHS's fee authority under the statute. The “including” clause offers only a non-exhaustive list of some of the costs that DHS may consider part of the full costs of providing adjudication and naturalization services. *See* 8 U.S.C. 1356(m); 84 FR 23930, 23932 n.1 (May 23, 2019); 81 FR 26903, 26906 n.10 (May 4, 2016).

¹² *See* OMB Circular A-25, “User Charges,” 58 FR 38142, available at <https://www.whitehouse.gov/wp-content/uploads/2017/11/Circular-025.pdf> (July 15, 1993) (revising Federal policy guidance regarding fees assessed by Federal agencies for Government services). *See also* Federal Accounting Standards Advisory Board Handbook, Version 17 (06/18), Statement of Federal Financial Accounting Standards 4: Managerial Cost Accounting Standards and Concepts, SFFAS 4, available at <http://>

A-25 as general policy guidance for determining user fees for immigration benefit requests, with exceptions as outlined in section III.B of this preamble. DHS also follows the annual guidance in OMB Circular A-11 if it requests appropriations to offset a portion of Immigration Examinations Fee Account (IEFA) costs.¹³

Finally, this rulemaking accounts for, and is consistent with, congressional appropriations for specific USCIS programs. FY 2021 appropriations for USCIS provided funding for the E-Verify employment eligibility verification program. Congress provided E-Verify with \$117.8 million for operations and support. *See* Consolidated Appropriations Act, 2021, Pub. L. 116-

files.fasab.gov/pdffiles/handbook_sffas_4.pdf (generally describing cost accounting concepts and standards, and defining “full cost” to mean the sum of direct and indirect costs that contribute to the output, including the costs of supporting services provided by other segments and entities.); *id.* at 49-66 (July 31, 1995). *See also* OMB Circular A-11, Preparation, Submission, and Execution of the Budget, section 20.7(d), (g) (June 29, 2018), available at <https://www.whitehouse.gov/wp-content/uploads/2018/06/a11.pdf> (June 29, 2018). (providing guidance on the FY 2020 budget and instructions on budget execution, offsetting collections, and user fees).

¹³ OMB Circulars A-25 and A-11 provide nonbinding internal executive branch direction for the development of fee schedules under the Independent Offices Appropriations Act, 1952 (IOAA) and appropriations requests, respectively. *See* 5 CFR 1310.1. Although DHS is not required to strictly adhere to these OMB circulars in setting USCIS fees, DHS understands they reflect best practices and used the activity-based costing (ABC) methodology supported in Circulars A-25 and A-11 to develop the proposed fee schedule.

260, div. F, tit. IV (Dec. 27, 2020). DHS provides this information only for comparison to the IEFA. E-Verify is not included in this fee review budget because, generally, appropriations, not fees, fund E-Verify. In addition, Congress appropriated \$10 million for the Citizenship and Integration Grant Program. *Id.* Together, the total FY 2021 appropriations for USCIS are \$127.8 million. For the last several years, USCIS has not had the authority to spend more than \$10 million for citizenship grants. Until recently, grant program funding came from the IEFA fee revenue or a mix of appropriations and fee revenue.¹⁴ Because Congress appropriated funds for grants in FY 2021, the \$10 million budgeted for citizenship grants is not part of the FY 2022/2023 IEFA fee review budget.

B. Effect of FY 2022 Appropriations

In FY 2022, Congress provided USCIS additional appropriations for very specific purposes. *See* Consolidated Appropriations Act, 2022, Public Law 117-103 (Mar. 15, 2022) (“Pub. L. 117-103”). USCIS received approximately \$389.5 million for E-Verify, application processing, backlog reduction, and the refugee program. *See id.* at div. F, title IV. Of that amount, approximately \$87.6

¹⁴ USCIS received \$2.5 million for the immigrant integration grants program in FY 2013 (Pub. L. 113-6) and FY 2014 (Pub. L. 113-76). USCIS did not receive appropriations for the immigrant integration grants program in FY 2015, FY 2016, FY 2017, and FY 2018. Congress provided \$10 million for citizenship and integration grants in FY 2019 (Pub. L. 116-6) and FY 2020 (Pub. L. 116-93).