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## BUSINESS IMMIGRATION AND COMPLIANCE BRIEFING: USCIS FEE INCREASES & NEW FORMS

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### USCIS ANNOUNCES NEW FEE SCHEDULE

On April 1, 2024, new fees went into effect for all U.S. Citizenship and Immigration Services (USCIS) forms. **All forms** must be submitted with the correct fee, or the filing will be rejected.

#### Key Changes for Employment-Based Nonimmigrant and Immigrant Visa Cases

- USCIS introduced a new additional **\$600** fee for each Form I-129 and I-140.
  - Small employers (≤25 employees) must pay **\$300**; nonprofits are exempt.
- Form I-129 will no longer have a set fee based on the Form; the filing fee will now vary based on the specific process (e.g., H-1B, E-3, L-1, TN, O-1, etc.).
- Small employers (≤25 employees) and nonprofits will pay lower filing fees than large employers (25+ employees).
- Filing fees for cases filed online will be \$50 lower than for paper-based submissions.
- The H-1B CAP registration fee will increase from \$10 to \$215 beginning with the FY26 cycle (for registrations to be submitted in March 2025).

#### Updated Fee Schedule - Selected Employment-Based Visa Cases

See <https://www.uscis.gov/sites/default/files/document/forms/g-1055.pdf> for complete fee list.

Form / Case Type	Filing Type	New Fee	Change
I-129: H-1B, H-1B1	Small Employers/Nonprofits	\$460	No change
	All Other Employers	\$780	+ \$320
I-129: L	Small Employers/Nonprofits	\$695	+ \$235
	All Other Employers	\$1,385	+ \$925
I-129: O	Small Employers/Nonprofits	\$530	+ \$70
	All Other Employers	\$1,055	+ \$595
I-129: E, H-3, P, Q, R, TN	Small Employers/Nonprofits	\$510	+ \$50
	All Other Employers	\$1,015	+ \$555
I-140: Immigrant Petition For Alien Workers	All Employers	\$715	+ \$15
I-539: Extend/Change Non-immigrant Status	Online	\$420	-\$35 to + \$50*
	Paper	\$470	+\$15 to + \$100*

\*Biometrics Fee is now included in the Form Filing Fee

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*This publication is a summary of legal principles. Nothing in this article constitutes legal advice, which can only be obtained as a result of a personal consultation with an attorney. The information published here is believed accurate at the time of publication, but is subject to change and does not purport to be a complete statement of all relevant issues.*

As a reminder, **Premium Processing** fees also increased beginning February 26, 2024. This *optional* USCIS service provides expedited processing for the following forms:

- Form I-129, Petition for a Nonimmigrant Worker
- Form I-140, Immigrant Petition for Alien Worker
- Form I-765, Application for Employment Authorization
- Form I-539, Application to Extend/Change Nonimmigrant Status

USCIS guarantees to review (*not necessarily approve*) a case submitted under the premium processing program

within the allotted time period below OR it will refund the related premium processing fee:

- **15** business days for most classifications
- **30** business days for Form I-765
- **30** business days for Form I-539 applicants requesting a change of status to E-1 dependent, E-2 dependent, E-2C, E-3, F-1, F-2, H-4, M-1, M-2, J-1, or J-2, L-2, O-3, P-4, or R-2 nonimmigrant status, once all prerequisites, including receipt of biometrics, have been met
- **45** business days for Form I-140 E13 multinational executive and manager and Form I-140 E21 national interest waiver classifications

Form / Case Type	New Fee	Change
I-129: Petition for a Nonimmigrant Worker	\$1,685 (H-2B / R-1) \$2,805 (All Others)	+ \$185 + \$305
I-140: Immigrant Petition For Alien Workers	\$2,805	+ \$305
I-539: Extend/Change Non-immigrant Status	\$1,965	+ \$215
I-765, Application for Employment Authorization	\$1,685*	N/A - New Option
*Certain F-1 students with categories C03A, C03B, C03C		

**USCIS INTRODUCES NEW FORMS**

In connection with the fee increases that went into effect on April 1, 2024, USCIS also released updated editions (4/1/24) of most forms. Although USCIS will accept prior editions of most forms through June 3, 2024, the following **employment-based forms do not have a grace period:**

- Form I-129, Petition for a Nonimmigrant Worker
- Form I-129CW, Petition for a CNMI-Only Nonimmigrant Transitional Worker
- Form I-140, Immigrant Petition for Alien Workers

Associate **Ashley Moore** contributed to this briefing.

*Wiggin and Dana’s Business Immigration and Compliance Practice Group will continue to provide briefings with material employment-based immigration case updates. If you have any questions, please contact the practice group leader, **Najia Khalid**, at 203.498.4314 or [nkhalid@wiggin.com](mailto:nkhalid@wiggin.com).*