

# Mobility: Immigration alert

January 2024

## United States

### USCIS premium processing fees to increase in February 2024

#### Executive summary

Effective 26 February 2024, fees will increase for Form I-907, Request for Premium Processing, filed with United States Citizenship and Immigration Services ("USCIS"). This is an elective fee collected in addition to the regular filing fee for certain visa classifications from persons seeking expedited processing of a filed case.

#### Background and analysis

The *Immigration and Nationality Act* ("INA") endows the Department of Homeland Security ("DHS") with the authority to make inflation-related adjustments to premium processing fees, on a biennial basis. DHS has now exercised this authority.

The INA identifies that in calculating adjustment, the percentage adjustment should be the difference between the Consumer Price Index for All Urban Consumers (CPI-U) for the month of June immediately preceding the adjustment's effective date, compared to the Consumer Price Index for the month of June two years prior. This adjustment has resulted in the following fees, which must accompany any Form I-907 postmarked on or after 26 February:

Form	Prior Filing Fee	New Filing Fee
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))
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))
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)
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)



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USCIS will reject premium processing requests postmarked (or as identified on the courier receipt) on or after 26 February with the incorrect filing fee and return that fee to the requester.

### What this means

According to the USCIS, the agency will use the revenue generated by the higher fees to continue providing premium processing services; make improvements to adjudications processes; respond to adjudication demands, including reducing benefit request processing backlogs; and otherwise fund USCIS services.

EY Law will continue to monitor these developments. Should you have any questions, please contact one of our US immigration professionals.

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