

USCIS Fee Increase: What You Need to Know to Plan Your 2024 Immigration Budget

Overview

Starting April 1, 2024, United States Citizenship and Immigration Services (USCIS) will implement a meaningful fee increase, the first increase since 2016. Numerous case types and specific forms will receive significant fee increases, including but not limited to the following:

- **H-1B:** Increase from \$460 to \$780 (70% increase)
- **H-1B cap registration fee:** Increase from \$10 to \$215 per registration (2050% increase)
- **L-1:** Increase from \$460 to \$1,385 (201% increase)
- **TN:** Increase from \$460 to \$1,015 (121% increase)
- **EB-5 immigrant petitions:** Increase \$3,675 to \$11,160 (204% increase)
 - USCIS claims this is required to avoid backlogs.
- **I-129 and I-140:** Now subject to a \$600 standard asylum program fee.
 - Companies with 25 or fewer full-time employees are subject to a \$300 fee, and nonprofits are exempt from this fee.
- **Premium processing** (expedited service): Increase from \$2,500 to \$2,805 (12% increase)
 - However, premium processing will change from calendar to business days, increasing the overall processing time.

For a full list of the case types and associated fee increases, please refer to the [USCIS website](#).

Cozen O'Connor Analysis

How will this impact your 2024 immigration budget?

Obviously, this is a significant fee increase, which will dramatically impact the employer's immigration budget. For example, if you are an employer that normally enters 100 employees into the H-1B cap lottery, your budget for just the lottery portion of the process will go from \$1,000 to \$21,500! Here are a few tips for employers to immediately consider in light of the fee increases:

1. As the fee increase does not go into effect until April 1, 2024, you should immediately assess your foreign national population this year and enter as many as you can into the H-1B cap lottery before the registration fee increases from \$10 to \$215.
2. Given the increase in cost for premium processing, as well as the longer processing times (business as opposed to calendar days), employers need to be diligent in initiating non-immigrant visa extensions at least eight months prior the employee's status to avoid having to utilize premium processing in certain situations.
3. Given the significant increase in filing fees, employers should evaluate their foreign national population and initiate the Green Card process even earlier on their behalf which would (in many situations) decrease the number of non-immigrant extensions the employee will recover over the course of their immigration process. See our previous [webinar](#) which dives deep into this topic.
4. Strongly consider more L-1 Blanket filings as opposed to filing L-1 individual cases with the USCIS which are subject to these new filing fees. To qualify for an L-1 blanket, whereby the employee can apply directly through the consulate/embassy, the following must be met:
 - i. The petitioner and each of the qualifying entities is engaged in commercial trade or services
 - ii. The U.S.-based petitioner has an office that has been engaging in business for one year



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- iii. The petitioner has a minimum of three domestic and foreign branches, affiliates, or subsidiaries
- iv. The petitioner and its qualifying foreign entities meet one of these three criteria:
 - a. Successfully obtained at least ten L-1 petition approvals in the previous 12-month period
 - b. Have U.S. affiliates or subsidiaries with at least \$25 million in annual sales or
 - c. Have a U.S. workforce of more than 1,000 employees.
- 5. For EB-5 investors, if you are in the process of filing a new case, make sure to get it filed prior to April 1st to avoid the new fees.

If you would like a consultation on how this will impact your immigration program and to discuss alternative options, please do not hesitate to contact Scott Bettridge and David Adams directly.