



Passing the Buck: Feds Propose Increasing Workplace Immigration Fees

Insights

1.12.23

Employers in the U.S. would face significant increases in filing fees for many employment-based petitions under a recent USCIS proposal. The changes would place the burden on employers to cover the cost of processing complex immigration applications in a timely manner. Notably, these increases — which are likely to take effect in March — would raise costs for every aspect of business. So, employers will need to consider how these fees will impact your budgetary process and hiring and retention practices. What are the key changes you should note from the Notice of Proposed Rulemaking (NPRM), which USCIS announced on January 3?

Significant Increases

One of the key changes would increase the H-1B cap registration fee from its current \$10 to \$215 — which is more than a 2,000% increase. Once in effect, if the number of H-1B registrations remains the same as 2023, employers collectively would pay about \$100 million more a year for these registrations.

Other proposed increases include:

- H-1B filing fee: \$780 (appx. 70% increase);
- L-1 filing fee: \$1,385 (appx. 200% increase);
- E and TN filing fee: \$1,015 (appx. 120% increase);
- I-485 Application for Adjustment of Status: \$1,540 (appx. 35% increase);
- Petition by Investor to Remove Conditions on Permanent Residence: \$9,525 (appx. 150% increase); and
- An additional \$600 “Asylum Program Fee” for certain I-129 nonimmigrant petitions and I-140 immigrant petitions, further increasing the proposed costs for these petitions.

Employers should also consider the following proposed changes:

- The premium processing timeframe would change from 15 calendar days to 15 business days. This could increase the processing time for premium processed petitions by up to two weeks.

- A new limit would be placed on the number of beneficiaries allowed on certain petitions for nonimmigrant workers.
- Fees would be unbundled for ancillary benefits filed concurrently with Form I-485 (Forms I-765, Application for Employment Authorization and I-131, Application for Travel Document).

What Should You Do to Prepare?

The 60-day comment period on the proposed rule began on January 4 and continues through March 6. The new fee rule will not go into effect until after comments are reviewed and the final rule is published in the Federal Register, which is a monthslong process.

Fisher Phillips attorneys are dedicated to providing businesses and their foreign workers with creative and cost-effective ways to reduce the burden of increased fees. Developing a strategy to address the increases will help you maintain a competitive advantage in hiring and retaining foreign workers. Your strategy might include developing fee-sharing or reimbursement agreements (as permissible under state and federal law), adjusting the timing of certain petitions to avoid the additional costs imposed by the need for premium processing service, or changes in the timing that eligible foreign workers should apply for permanent residence.

Conclusion

If you have any questions about these developments or how they may affect your business, contact your Fisher Phillips attorney, the authors of this Insight, or any member of our [Immigration Practice Group](#). We will continue to monitor the latest developments related to this area and provide updates as warranted, so you should ensure you are subscribed to [Fisher Phillips' Insight system](#) to gather the most up-to-date information directly to your inbox.

Related People



Emily Alvarez
Associate

303.218.3657

Email



Davis C. Bae

Regional Managing Partner

206.693.5060

Email

Service Focus

Counseling and Advice

Immigration