

NEW YEAR, NEW IMMIGRATION FEES: 7 THINGS TO KNOW ABOUT INCREASED PREMIUM PROCESSING

Insights
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Federal immigration officials just announced that the cost for expedited service will be going up in the new year, meaning employers will need to adjust their budgets to manage their foreign national workforces. U.S. Citizenship and Immigration Services (USCIS) announced on December 27 that it will increase the filing fee for those requesting Premium Processing as of February 26. What are the seven things you need to know about this impending change?

1. Expanded Premium Processing Has Been A Big Hit

Since being expanded to reduce the massive backlog of petitions and applications that started building up during COVID times, the Premium Processing program has been a welcome addition for workers and employers alike. It allows a petitioner or applicant to pay an additional government filing fee to request that USCIS adjudicate a filing within 15 days and for some applications within 45 days. This is a very useful option, as “normal” case processing times are extremely lengthy — more than a year — for some case types. [You can read more about the program and the post-COVID expansion in this Insight.](#)

2. Fees to Increase in the New Year

[You can find the full listing of increases in this chart.](#) A brief recap:

- Petition for a Nonimmigrant Worker (Form I-129): \$1,500 to **\$1,685** or \$2,500 to **\$2,805**, depending on the specific petition

Related People



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- Application for Employment Authorization (Form I-765): \$1,500 to **\$1,685**
- Application to Extend/Change Nonimmigrant Status (Form I-539): \$1,750 to **\$1,965**
- Immigrant Petition for Alien Worker (Form I-140): \$2,500 to **\$2,805**

3. Fee Increase to Take Effect February 26

The change will go into effect on February 26. If you send a premium processing form postmarked on or after that date with the incorrect filing fee, USCIS will reject the form and return your filing fee. For filings sent by commercial courier, **the postmark date** is the date reflected on the courier receipt.

4. Inflation Leads to Fee Jump

After leaving these fees unchanged for the three years, the Department of Homeland Security (DHS) is now increasing the premium processing fees USCIS charges for all eligible forms and categories to reflect the amount of inflation from 2021 through 2023.

5. Expect Further Increases in 2026

USCIS announced that it intends to adjust premium processing fees every two years to consistently maintain the actual monetary worth of the premium processing service it offers.

6. USCIS Says that the Increase Will Boost Service

DHS will use the revenue generated by the premium processing fee increase to not only provide premium processing but to improve adjudications processes, respond to adjudication demands (including reducing benefit request processing backlogs), and otherwise fund adjudication and naturalization services. Employers can hope that this fee increase will reduce the ongoing processing backlogs and delayed adjudication processes.

7. Premium Processing Not Available For All Categories

Premium processing is not currently available for the L-2 and H-4 categories despite being listed on the USCIS chart. You can only request premium processing for these and other

benefits once USCIS [announces on its website](#) that such processing is available.

Time to Take Action

To respond to this change, you should factor this substantial fee increase – a bit more than 12% – into your 2024 immigration budget. You should also evaluate ongoing and upcoming cases to prioritize those that urgently need premium processing and adjust your plan as necessary. This will help you effectively manage costs by using premium processing only when necessary.

Conclusion

If you have questions, please contact your Fisher Phillips attorney, the author of this Insight, or any attorney in our [Immigration Practice Group](#). We will continue to monitor further developments and provide updates on this process, so make sure you are subscribed to [Fisher Phillips' Insight System](#) to gather the most up-to-date information.