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(2) Search subjects will be presumed deceased if their birth dates are more than 100 years before the date of the request. In other cases, the subject is presumed to be living until the requestor establishes to the satisfaction of USCIS that the subject is deceased.

(3) Documentary evidence of the subject's death is required (including but not limited to death records, published obituaries or eulogies, published death notices, church or bible records, photographs of gravestones, and/or copies of official documents relating to payment of death benefits).

(g) *Index search.* Requestors who are unsure whether USCIS has any record of their ancestor, or who suspect a record exists but cannot identify that record by number, may submit a request for index search. An index search will determine the existence of responsive historical records. If no record is found, USCIS will notify the requestor accordingly. If records are found, USCIS will give the requestor electronic copies of records stored in digital format for no additional fee. For records found that are stored in paper format, USCIS will give the requestor the search results, including the type of record found and the file number or other information identifying the record. The requestor can use index search results to submit a Genealogy Records Request.

(h) *Processing of paper record copy requests.* This service is designed for requestors who can identify a specific record or file to be retrieved, copied, reviewed, and released. Requestors may identify one or more files in a single request.

[85 FR 46915, Aug. 3, 2020]

§ 103.41 [Reserved]

§ 103.42 Rules relating to the Freedom of Information Act (FOIA) and the Privacy Act.

Immigration-related regulations relating to FOIA and the Privacy Act are located in 6 CFR part 5.

[76 FR 53782, Aug. 29, 2011]

PART 106—USCIS FEE SCHEDULE

Sec.

106.1 Fee requirements.

8 CFR Ch. I (1–1–23 Edition)

106.2 Fees.

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AUTHORITY: 8 U.S.C. 1101, 1103, 1254a, 1254b, 1304, 1356; Pub. L. 107–609; 48 U.S.C. 1806; Pub. L. 115–218; Pub. L. 116–159.

SOURCE: 85 FR 46916, Aug. 3, 2020, unless otherwise noted.

§ 106.1 Fee requirements.

(a) Fees must be submitted with any USCIS benefit request or other request in the amount and subject to the conditions provided in this part and remitted in the manner prescribed in the relevant form instructions, on the USCIS website, or in a FEDERAL REGISTER document. The fees established in this part are associated with the benefit, the adjudication, or the type of request and not solely determined by the form number listed in 8 CFR 106.2.

(b) Fees must be remitted from a bank or other institution located in the United States and payable in U.S. currency. The fee must be paid using the method that USCIS prescribes for the request, office, filing method, or filing location, as provided in the form instructions or by individual notice.

(c) If a remittance in payment of a fee or any other matter is not honored by the bank or financial institution on which it is drawn:

(1) The provisions of 8 CFR 103.2(a)(7)(ii) apply, no receipt will be issued, and if a receipt was issued, it is void and the benefit request loses its receipt date; and

(2) If the benefit request was approved, the approval may be revoked upon notice. If the approved benefit request requires multiple fees, this provision will apply if any fee submitted is not honored. Other fees that were paid for a benefit request that is revoked under this provision will be retained and not refunded. A revocation of an approval because the fee submitted is not honored may be appealed to the USCIS Administrative Appeals Office, in accordance with 8 CFR 103.3 and the applicable form instructions.

§ 106.2 Fees.

(a) *I Forms*—(1) *Application to Replace Permanent Resident Card, Form I–90.* For

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filing an application for a Permanent Resident Card, Form I-551, to replace an obsolete card or to replace one lost, mutilated, or destroyed, or for a change in name: \$415.

(2) *Application for Replacement/Initial Nonimmigrant Arrival-Departure Document, Form I-102.* For filing an application for Arrival/Departure Record, Form I-94, or Crewman's Landing Permit, Form I-95, to replace one lost, mutilated, or destroyed: \$485.

(i) For nonimmigrant member of the U.S. armed forces: No fee for initial filing;

(ii) For a nonimmigrant member of the North Atlantic Treaty Organization (NATO) armed forces or civil component: No fee for initial filing;

(iii) For nonimmigrant member of the Partnership for Peace military program under the Status of Forces Agreement (SOFA): No fee for initial filing.

(3) *Petition or Application for a Nonimmigrant Worker, Form I-129.* For filing a petition or application for a nonimmigrant worker:

(i) Petition for H-1B Nonimmigrant Worker or H-1B1 Free Trade Nonimmigrant Worker, Form I-129H1: \$555.

(ii) Petition for H-2A Nonimmigrant Worker, Form I-129H2A, with 1 to 25 named beneficiaries: \$850.

(iii) Petition for H-2A Nonimmigrant Worker, Form I-129H2A, with only unnamed beneficiaries: \$415.

(iv) Petition for H-2B Nonimmigrant Worker, Form I-129H2B, with 1 to 25 named beneficiaries: \$715.

(v) Petition for H-2B Nonimmigrant Worker, Form I-129H2B, with only unnamed beneficiaries: \$385.

(vi) Petition for L Nonimmigrant Worker, Form I-129L: \$805.

(vii) Petition for O Nonimmigrant Worker, Form I-129O, with 1 to 25 named beneficiaries: \$705.

(viii) Petition or Application for E, H-3, P, Q, R, or TN Nonimmigrant Worker, Forms I-129E or I-129MISC, with 1 to 25 named beneficiaries: \$695.

(4) *Petition for a CNMI-Only Nonimmigrant Transitional Worker, Form I-129CW.* For an employer to petition on behalf of beneficiaries in the Commonwealth of the Northern Mariana Islands (CNMI): \$695, plus the following fees:

(i) CNMI education funding fee:

(A) \$200 per beneficiary per year.

(B) DHS may adjust this fee once per year by notice in the FEDERAL REGISTER based on the amount of inflation according to the change in the unadjusted All Items Consumer Price Index for All Urban Consumers (CPI-U) for the U.S. City Average published by the Bureau of Labor Statistics since the fee was set on June 18, 2020.

(ii) A fraud prevention and detection fee: \$50 per employer filing a petition.

(iii) For filing Form I-129CWR, Semi-annual Report for CW-1 Employers: No fee.

(5) *Petition for Alien Fiancé(e), Form I-129F.* (i) For filing a petition to classify a nonimmigrant as a fiancée or fiancé under section 214(d) of the Act: \$510.

(ii) For a K-3 spouse as designated in 8 CFR 214.1(a)(2) who is the beneficiary of an immigrant petition filed by a U.S. citizen on a Petition for Alien Relative, Form I-130: No fee.

(6) *Petition for Alien Relative, Form I-130.* For filing a petition to classify status of a foreign national relative for issuance of an immigrant visa under section 204(a) of the Act: \$560.

(7) *Application for Travel Document, Form I-131.* For filing an application for travel document:

(i) \$145 for a Refugee Travel Document for someone 16 or older.

(ii) \$115 for a Refugee Travel Document for a child under 16.

(iii) \$590 for advance parole and any other travel document except Form I-131A.

(iv) There is no fee for applicants who filed USCIS Form I-485 on or after July 30, 2007, and before October 2, 2020, and paid the Form I-485 fee, or for applicants for Special Immigrant Status based on an approved Form I-360 as an Afghan or Iraqi Interpreter, or Iraqi National employed by or on behalf of the U.S. Government or Afghan National employed by the U.S. Government or the International Security Assistance Forces ("ISAF").

(8) *Application for Travel Document (Carrier Documentation), Form I-131A.* For filing an application to allow a lawful permanent resident, conditional permanent resident or other alien traveling abroad on an Advance Parole Document (Form I-512 or I-512L) or Employment Authorization Documents (EAD) with travel endorsement (Form

I-766), to apply for carrier documentation to board an airline or other transportation carrier to return to the United States: \$1,010.

(9) *Immigrant Petition for Alien Workers, Form I-140*. For filing a petition to classify preference status of an alien on the basis of profession or occupation under section 204(a) of the Act: \$555.

(10) *Application for Relief Under Former Section 212(c) of the Immigration and Nationality Act (INA), Form I-191*. For filing an application for discretionary relief under section 212(c) of the Act: \$790.

(11) *Application for Advance Permission to Enter as Nonimmigrant, Form I-192*. For filing an application for discretionary relief under section 212(d)(3), (d)(13), or (d)(14) of the Act, except in an emergency case or where the approval of the application is in the interest of the U.S. Government: \$1,400.

(12) *Application for Waiver of Passport and/or Visa, Form I-193*. For filing an application for waiver of passport and/or visa: \$2,790.

(13) *Application for Permission to Reapply for Admission into the United States After Deportation or Removal, Form I-212*. For filing an application for permission to reapply for admission by an excluded, deported or removed alien, an alien who has fallen into distress, an alien who has been removed as an alien enemy, or an alien who has been removed at government expense: \$1,050.

(14) *Notice of Appeal or Motion, Form I-290B*. For appealing a decision under the immigration laws in any type of proceeding over which the Board of Immigration Appeals does not have appellate jurisdiction: \$700. In addition:

(i) The fee will be the same for appeal or a motion to reopen a denial of a benefit request with one or multiple beneficiaries.

(ii) There is no fee for an appeal or motion associated with a denial of a petition for a special immigrant visa filed by or on behalf of an individual seeking special immigrant status as an Afghan or Iraqi Interpreter, or Iraqi National employed by or on behalf of the U.S. Government or Afghan National employed by the U.S. Government or the International Security Assistance Forces (“ISAF”).

(15) [Reserved]

(16) *Petition for Amerasian, Widow(er), or Special Immigrant, Form I-360*. For filing a petition for an Amerasian, Widow(er), or Special Immigrant: \$450. The following requests are exempt from this fee:

(i) A petition seeking classification as an Amerasian;

(ii) A self-petition for immigrant classification as an abused spouse or child of a U.S. citizen or lawful permanent resident or an abused parent of a U.S. citizen son or daughter; or

(iii) A petition for special immigrant juvenile classification; or

(iv) A petition seeking special immigrant visa or status as an Afghan or Iraqi Interpreter, or Iraqi National employed by or on behalf of the U.S. Government or Afghan National employed by the U.S. Government or the International Security Assistance Forces (“ISAF”).

(17) *Application to Register Permanent Residence or Adjust Status, Form I-485*—
(i) *Most permanent residence applications*. For filing an application for permanent resident status or creation of a record of lawful permanent residence: \$1,130.

(ii) *Asylees*. For the first Form I-485, Application to Register Permanent Residence or Adjust Status, filed by individuals who have paid the \$50 fee for Form I-589 and are subsequently granted asylum based on that Form I-589: \$1,080.

(iii) *Refugees and Special Immigrants*. There is no fee if an applicant is filing as a refugee under section 209(a) of the Act or for applicants for Special Immigrant Status based on an approved Form I-360 as an Afghan or Iraqi Interpreter, or Iraqi National employed by or on behalf of the U.S. Government or Afghan National employed by the U.S. Government or the International Security Assistance Forces (“ISAF”).

(iv) *Adjustment of Status Under Section 245(i), Form I-485 Supplement A*. Persons seeking to adjust status under the provisions of section 245(i) of the Act must submit a sum of \$1,000 in addition to the fee for filing the Form I-485, unless payment of the additional sum is not required under section 245(i) of the Act. The additional sum is not required when the applicant is an unmarried child less than 17 years of age, when

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the applicant is the spouse, or the unmarried child less than 21 years of age of a legalized alien and who is qualified for and has properly filed an application for voluntary departure under the family unity program.

(18) *Immigrant Petition by Alien Investor, Form I-526*. For filing a petition for an alien investor: \$4,010.

(19) *Application To Extend/Change Nonimmigrant Status, Form I-539*. For filing an application to extend or change nonimmigrant status: \$400. For non-immigrant A, G, and NATO: No fee.

(20) *Application for Asylum and for Withholding of Removal, Form I-589*. For filing an application for asylum status: \$50. There is no fee for applications filed by unaccompanied alien children who are in removal proceedings.

(21) *Petition to Classify Orphan as an Immediate Relative, Form I-600*. For filing a petition to classify an orphan as an immediate relative for issuance of an immigrant visa under section 204(a) of the Act.

(i) There is no fee for the first Form I-600 filed for a child on the basis of an approved Application for Advance Processing of an Orphan Petition, Form I-600A, during the Form I-600A approval or extended approval period.

(ii) Except as specified in paragraph (a)(21)(iii) of this section, if more than one Form I-600 is filed during the Form I-600A approval period, the fee is \$805 for the second and each subsequent Form I-600 petition submitted.

(iii) If more than one Form I-600 is filed during the Form I-600A approval period on behalf of beneficiary birth siblings, no additional fee is required.

(22) *Application for Advance Processing of an Orphan Petition, Form I-600A*. For filing an application for determination of suitability and eligibility to adopt an orphan: \$805.

(23) *Request for Action on Approved Form I-600A/I-600, Form I-600A/I-600 Supplement 3*: \$400.

(i) This filing fee:

(A) Is not charged if Form I-600A/I-600 Supplement 3 is filed in order to obtain a first extension of the approval of the Form I-600A or to obtain a first time change of non-Hague Adoption Convention country during the Form I-600A approval period.

(B) Is charged if Form I-600A/I-600 Supplement 3 is filed in order to request a new approval notice based on a significant change and updated home study, unless a first extension of the Form I-600A approval or first time change of non-Hague Adoption Convention country is also being requested on the same Supplement 3.

(C) Is \$400 for second or subsequent extensions of the approval of the Form I-600A, second or subsequent changes of non-Hague Adoption Convention country, requests for a new approval notice based on a significant change and updated home study, and requests for a duplicate approval notice permitted with Form I-600A/I-600 Supplement 3 with the filing fee.

(ii) Form I-600A/I-600 Supplement 3 cannot be used to:

(A) Extend eligibility to proceed as a Hague Adoption Convention transition case beyond the first extension once the Convention enters into force for the new Convention country.

(B) Request a change of country to a Hague Adoption Convention transition country for purposes of becoming a transition case if another country was already designated on the Form I-600A or prior change of country request.

(iii) Form I-600A/I-600 Supplement 3 may only be used to request an increase the number of children the applicant/petitioner is approved to adopt from a transition country if the additional child is a birth sibling of a child who the applicant/petitioner has adopted or is in the process of adopting, as a transition case, and is identified and petitioned for while the Form I-600A approval is valid, unless the new Convention country prohibits such birth sibling cases from proceeding as transition cases.

(24) *Application for Waiver of Grounds of Inadmissibility, Form I-601*. For filing an application for waiver of grounds of inadmissibility: \$1,010.

(25) *Application for Provisional Unlawful Presence Waiver, Form I-601A*. For filing an application for provisional unlawful presence waiver: \$960.

(26) *Application for Waiver of the Foreign Residence Requirement (under Section 212(e) of the Immigration and Nationality Act, as Amended), Form I-612*. For filing an application for waiver of the

foreign-residence requirement under section 212(e) of the Act: \$515.

(27) *Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, Form I-687.* For filing an application for status as a temporary resident under section 245A(a) of the Act: \$1,130.

(28) *Application for Waiver of Grounds of Inadmissibility, Form I-690.* For filing an application for waiver of a ground of inadmissibility under section 212(a) of the Act as amended, in conjunction with the application under sections 210 or 245A of the Act, or a petition under section 210A of the Act: \$765.

(29) *Notice of Appeal of Decision under Sections 245A or 210 of the Immigration and Nationality Act (or a petition under section 210A of the Act), Form I-694.* For appealing the denial of an application under sections 210 or 245A of the Act, or a petition under section 210A of the Act: \$715.

(30) *Application to Adjust Status from Temporary to Permanent Resident (Under Section 245A of the INA), Form I-698.* For filing an application to adjust status from temporary to permanent resident (Pub. L. 99-603): \$1,615.

(31) *Petition to Remove Conditions on Residence, Form I-751.* For filing a petition to remove the conditions on residence based on marriage: \$760.

(32) *Application for Employment Authorization, Form I-765:* \$550.

(i) A \$30 biometric services must be included with a Form I-765 filed by:

(A) An asylum applicant with a pending Form I-589.

(B) An applicant for status as a long-term resident of the Commonwealth of the Northern Mariana Islands.

(ii) There is no fee for an initial Employment Authorization Document for:

(A) An applicant who filed USCIS Form I-485 on or after July 30, 2007, and before October 2, 2020, and paid the Form I-485 fee;

(B) Refugees and aliens paroled as a refugee;

(C) Aliens granted asylee status;

(D) Victims of Severe Forms of Trafficking (T-1);

(E) Nonimmigrant Victim of Criminal Activity (U-1);

(F) Dependents of certain government and internal organizations or NATO personnel;

(G) N-8 (Parent of alien classed as SK3) and N-9 (Child of N-8) non-immigrants;

(H) Principal VAWA Self-Petitioners who have approved petitions pursuant to section 204(a) of the Act;

(I) VAWA Self-Petitioners as defined in section 101(a)(51)(D), (E), and (F) of the Act;

(J) Applicants for Special Immigrant Status based on an approved Form I-360 as an Afghan or Iraqi Interpreter, or Iraqi National employed by or on behalf of the U.S. Government or Afghan National employed by the U.S. Government or the International Security Assistance Forces (“ISAF”); and

(iii) Request for replacement Employment Authorization Document based on USCIS error: No fee.

(iv) There is no fee for a renewal or replacement Employment Authorization Document for:

(A) Any current Adjustment of Status or Registry applicant who filed for adjustment of status on or after July 30, 2007, and before October 2, 2020, and paid the appropriate Form I-485 filing fee.

(B) Applicants for Special Immigrant Status based on an approved Form I-360 as an Afghan or Iraqi Translator or Interpreter, Iraqi National employed by or on behalf of the U.S. Government, or Afghan National employed by or on behalf of the U.S. government or employed by the International Security Assistance Forces: And

(C) Dependent of certain foreign government, international organization, or NATO personnel.

(v) *An Application for Employment Authorization for Abused Nonimmigrant Spouse, Form I-765V:* No fee.

(vi) The Form I-765 fee for initial and renewal requestors of Consideration of Deferred Action for Childhood Arrivals is \$410. Requestors of Consideration of Deferred Action for Childhood Arrivals must also pay a biometric services fee of \$85 for an initial, renewal of, or to replace their employment authorization document.

(33) *Petition to Classify Convention Adoptee as an Immediate Relative, Form I-800.* (i) There is no fee for the first Form I-800 filed for a child on the basis of an approved Application for Determination of Suitability to Adopt a

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Child from a Convention Country, Form I-800A, during the Form I-800A approval period.

(ii) Except as specified in paragraph (a)(33)(iii) of this section, if more than one Form I-800 is filed during the Form I-800A approval period, the fee is \$805 for the second and each subsequent Form I-800 petition submitted.

(iii) If more than one Form I-800 is filed during the Form I-800A approval period on behalf of beneficiary birth siblings, no additional fee is required.

(34) *Application for Determination of Suitability to Adopt a Child from a Convention Country, Form I-800A*. For filing an application for determination of suitability and eligibility to adopt a child from a Hague Adoption Convention country: \$805.

(35) *Request for Action on Approved Application for Determination of Suitability to Adopt a Child from a Convention Country, Form I-800A Supplement 3*: \$400.

(i) This filing fee:

(A) Is not charged if Form I-800A Supplement 3 is filed in order to obtain a first extension of the approval of the Form I-800A or to obtain a first time change of Hague Adoption Convention country during the Form I-800A approval period.

(B) Is charged if Form I-800A Supplement 3 is filed in order to request a new approval notice based on a significant change and updated home study, unless a first extension of the Form I-800A approval or first time change of Hague Adoption Convention country is also being requested on the same Supplement 3.

(ii) Is \$400 for second or subsequent extensions of the Form I-800A approval, second or subsequent changes of Hague Adoption Convention country, requests for a new approval notice based on a significant change and updated home study, and requests for a duplicate approval notice, permitted with the filing of a Form I-800A, Supplement 3 and the required filing fee: \$400.

(36) *Application for Family Unity Benefits, Form I-817*. For filing an application for voluntary departure under the Family Unity Program: \$590.

(37) *Application for Temporary Protected Status, Form I-821*. (i) For first time applicants: \$50 or the maximum

permitted by section 244(c)(1)(B) of the Act.

(ii) There is no fee for re-registration.

(iii) A Temporary Protected Status (TPS) applicant or re-registrant must pay \$30 for biometric services unless exempted in the applicable form instructions.

(38) *Application for Deferred Action for Childhood Arrivals, Form I-821D*: \$85.

(39) *Application for Action on an Approved Application, Form I-824*: \$495.

(40) *Petition by Investor to Remove Conditions, Form I-829*. For filing a petition by an investor to remove conditions: \$3,900.

(41) *Application for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to Section 203 of Pub. L. 105-100), Form I-881*.

(i) \$1,810 for adjudication by DHS.

(ii) \$165 for adjudication by EOIR. If the Form I-881 is referred to the immigration court by DHS, the \$1,810 fee is required.

(42) *Application for Authorization to Issue Certification for Health Care Workers, Form I-905*: \$230.

(43) *Request for Premium Processing Service, Form I-907*. The Request for Premium Processing Service fee will be as provided in 8 CFR 106.4.

(44) *Application for Civil Surgeon Designation, Form I-910*: \$635. There is no filing fee for:

(i) A medical officer in the U.S. Armed Forces or

(ii) A civilian physician employed by the U.S. Government who examines members and veterans of the U.S. Armed Forces and their dependents at a military, Department of Veterans Affairs, or U.S. Government facility in the United States.

(45) *Application for T Nonimmigrant Status, Form I-914*: No fee.

(46) *Petition for U Nonimmigrant Status, Form I-918*: No fee.

(47) *Application for Regional Center Designation under the Immigrant Investor Program, Form I-924*: \$17,795.

(48) *Annual Certification of Regional Center, Form I-924A*. To provide updated information and certify that a Regional Center under the Immigrant Investor Program has maintained its eligibility: \$4,465.

(49) *Petition for Qualifying Family Member of a U-1 Nonimmigrant, Form I-*

929. For a principal U–1 nonimmigrant to request immigration benefits on behalf of a qualifying family member who has never held U nonimmigrant status: \$1,485.

(50) *Application for Entrepreneur Parole, Form I–941*. For filing an application for parole for an entrepreneur: \$1,200.

(b) *N Forms*—(1) *Application to File Declaration of Intention, Form N–300*. For filing an application for declaration of intention to become a U.S. citizen: \$1,305.

(2) *Request for a Hearing on a Decision in Naturalization Proceedings (under section 336 of the Act), Form N–336*. For filing a request for hearing on a decision in naturalization proceedings under section 336 of the Act: \$1,735. There is no fee for an applicant who has filed an Application for Naturalization under sections 328 or 329 of the Act with respect to military service and whose application has been denied.

(3) *Application for Naturalization, Form N–400*. For filing an application for naturalization: \$1,170. No fee is charged an applicant who meets the requirements of sections 328 or 329 of the Act with respect to military service.

(4) *Application to Preserve Residence for Naturalization Purposes, Form N–470*. For filing an application for benefits under section 316(b) or 317 of the Act: \$1,585.

(5) *Application for Replacement Naturalization/Citizenship Document, Form N–565*: \$545.

(i) This fee is for filing an application for:

(A) A certificate of naturalization or certificate of citizenship;

(B) A declaration of intention in place of a certificate or declaration alleged to have been lost, mutilated, or destroyed;

(C) A changed name under section 343(c) of the Act; or

(D) A special certificate of naturalization to obtain recognition as a citizen of the United States by a foreign state under section 343(b) of the Act;

(ii) There is no fee when this application is submitted under 8 CFR 338.5(a) or 343a.1 to request correction of a certificate of naturalization or certificate of citizenship that contains an error.

(6) *Application for Certificate of Citizenship, Form N–600*. For filing an application for a certificate of citizenship under section 309(c) or section 341 of the Act: \$1,000. There is no fee for any application filed by a member or veteran of any branch of the U.S. Armed Forces.

(7) *Application for Citizenship and Issuance of Certificate Under Section 322, Form N–600K*. For filing an application for citizenship and issuance of certificate under section 322 of the Act: \$945.

(c) *G Forms, Statutory Fees, and Non-Form Fees*—(1) *Genealogy Index Search Request, Form G–1041*: \$170. The fee is due regardless of the search results.

(2) *Genealogy Records Request, Form G–1041A*: \$265. USCIS will refund the records request fee when it is unable to locate any file previously identified in response to the index search request.

(3) *USCIS Immigrant Fee*. For DHS domestic processing and issuance of required documents after an immigrant visa is issued by the U.S. Department of State: \$190.

(4) *American Competitiveness and Workforce Improvement Act (ACWIA) fee*. For filing certain H–1B petitions as described in 8 CFR 214.2(h)(19) and USCIS form instructions: \$1,500 or \$750.

(5) *Fraud detection and prevention fee*. (i) For filing certain H–1B and L petitions as described in 8 U.S.C. 1184(c) and USCIS form instructions: \$500.

(ii) For filing certain H–2B petitions as described in 8 U.S.C. 1184(c) and USCIS form instructions: \$150.

(6) *Fraud detection and prevention fee for CNMI*. For employer petitions in CNMI as described in Public Law 115–218 and USCIS form instructions: \$50.

(7) *9–11 Response and Biometric Entry-Exit Fee for H–1B Visa*. For all petitioners filing an H–1B petition who employ 50 or more employees in the United States if more than 50 percent of the petitioner's employees in the aggregate are in H–1B, L–1A or L–1B nonimmigrant status, except for petitioners filing an amended petition without an extension of stay request: \$4,000. This fee will apply to petitions filed on or before September 30, 2027.

(8) *9–11 Response and Biometric Entry-Exit Fee for L–1 Visa*. For all petitioners filing an L–1 petition who employ 50 or more employees in the United States,

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if more than 50 percent of the petitioner's employees in the aggregate are in H-1B, L-1A or L-1B nonimmigrant status, except for petitioners filing an amended petition without an extension of stay request: \$4,500. This fee will apply to petitions filed on or before September 30, 2027.

(9) *Claimant under section 289 of the Act*: No fee.

(10) *Registration requirement for petitioners seeking to file H-1B petitions on behalf of cap-subject aliens*. For each registration submitted to register for the H-1B cap or advanced degree exemption selection process: \$10. This fee will not be refunded if the registration is not selected or is withdrawn.

(d) *Online forms*. The fee for the following forms is \$10.00 lower than the fee established in paragraphs (a), (b), and (c) of this section when submitted to USCIS online and not in paper form:

(1) I-90, Application to Replace Permanent Resident Card;

(2) N-336, Request for a Hearing on a Decision in Naturalization Proceedings (Under Section 336 of the INA);

(3) N-400, Application for Naturalization;

(4) N-565, Application for Replacement Naturalization/Citizenship Document;

(5) I-130/130A, Petition for Alien Relative;

(6) N-600, Application for Certificate of Citizenship;

(7) N-600K, Application for Citizenship and Issuance of Certificate Under Section 322;

(8) I-539/539A, Application To Extend/Change Nonimmigrant Status;

(9) G-1041, Genealogy Index Search Request; and

(10) G-1041A, Genealogy Records Request.

[85 FR 46916, Aug. 3, 2020, as amended at 86 FR 14227, Mar. 15, 2021; 87 FR 53297, Aug. 30, 2022]

§ 106.3 Fee waivers and exemptions.

(a) *Fee waiver*. No fee relating to any benefit request submitted to USCIS may be waived unless otherwise provided in this paragraph.

(1) An alien may apply for a fee waiver if there is a statutory or regulatory provision allowing for fee waivers including as provided by section 245(l)(7)

of the Act, 8 U.S.C. 1255(l)(7). Specifically, the following categories of requestors may apply for a waiver of any fees for an immigration benefit and any associated filing up to and including an application for adjustment of status:

(i) Violence Against Women Act (VAWA) self-petitioners and derivatives as defined under section 101(a)(51) and anyone otherwise self-petitioning due to battery or extreme cruelty pursuant to the procedures in section 204(a) of the Act;

(ii) T nonimmigrants;

(iii) U nonimmigrants;

(iv) Battered spouses of A, G, E-3, or H nonimmigrants;

(v) Battered spouses or children of a lawful permanent resident or U.S. citizen and derivatives as provided under section 240A(b)(2) of the Act; and

(vi) Applicants for Temporary Protected Status, including both initial applicants and re-registering TPS beneficiaries.

(2) The following categories of requestors may apply for a waiver of any fees for an immigration benefit and any associated filing up to and including an application for adjustment of status:

(i) Special Immigrant Juveniles (SIJs) who have been placed in out-of-home care under the supervision of a juvenile court or a state child welfare agency at the time of filing; and

(ii) Afghan or Iraqi Translator or Interpreter, Iraqi National employed by or on behalf of the U.S. Government, or Afghan National employed by or on behalf of the U.S. government or employed by the International Security Assistance Forces.

(3) Requestors who have been approved for the immigration benefits in paragraphs (a)(1) and (2) of this section may apply for a waiver of any fees for Form N-400, Application for Naturalization, Form N-600 Application for Certificate of Citizenship, or Form N-600K, Application for Citizenship and Issuance of Certificate Under Section 322, as applicable.

(b) *Director's exception*. The Director of USCIS may authorize the waiver, in whole or in part, of a form fee required by 8 CFR 106.2 that is not otherwise

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waivable under this section, if the Director determines that such action is an emergent circumstance, or if a major natural disaster has been declared in accordance with 44 CFR part 206, subpart B. This discretionary authority may be delegated only to the USCIS Deputy Director. The Director may not waive the requirements of paragraph (c) or (d) of this section. An applicant, petitioner, or requestor may not directly submit a request to the Director. In addition, a waiver of fees as provided in this paragraph may not be provided to a requestor who is seeking an immigration benefit for which he or she:

(1) Is subject to the affidavit of support requirements under section 213A of the Act or is already a sponsored immigrant as defined in 8 CFR 213a.1 unless the applicant is seeking a waiver of the joint filing requirement to remove conditions on his or her residence based on abuse; or

(2) Is subject to the public charge inadmissibility ground under section 212(a)(4) of the Act, 8 U.S.C. 1182(a)(4).

(c) *Eligibility for fee waiver.* A waiver of fees is limited to an alien with an annual gross household income at or below 125 percent of the Federal Poverty Guidelines as updated periodically in the FEDERAL REGISTER by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).

(d) *Form required.* A person must submit a request for a fee waiver on the form prescribed by USCIS in accordance with the instructions on the form.

(e) *Exemptions.* The Director of USCIS may provide an exemption for any fee required by 8 CFR 106.2. This discretionary authority may only be delegated to the USCIS Deputy Director. The Director must determine that such action would be in the public interest, the action is consistent with the applicable law, and the exemption is related to one of the following:

- (1) Asylees;
- (2) Refugees;
- (3) National security;
- (4) Emergencies or major disasters declared in accordance with 44 CFR part 206, subpart B;

(5) An agreement between the U.S. government and another nation or nations; or

(6) USCIS error.

(f) *Documentation of gross household income.* A person submitting a request for a fee waiver must submit the following documents as evidence of annual gross household income:

(1) A transcript(s) from the United States Internal Revenue Service (IRS) of the person's IRS Form 1040, U.S. Individual Income Tax Return;

(2) If the person was not required to file a Federal income tax return, he or she must submit their most recent IRS Form W-2, Wage and Tax Statement, Form 1099G, Certain Government Payments, or Social Security Benefit Form SSA-1099, if applicable;

(3) If the person filed a Federal income tax return, and has recently changed employment or had a change in salary, the person must also submit copies of consecutive pay statements (stubs) for the most recent month or longer;

(4) If the person does not have income and has not filed income tax returns, he or she must submit documentation from the IRS that indicates that no Federal income tax transcripts and no IRS Form W-2s were found;

(5) An alien who is applying for or has been granted benefits or status as a VAWA self-petitioner or derivative or a T or U nonimmigrant, who does not have any income or cannot provide proof of income may:

(i) Describe the situation in sufficient detail as provided in the form and form instructions prescribed by DHS to substantiate that he or she has income at or below 125 percent of the Federal Poverty Guidelines as well as the inability to obtain the required documentation; and

(ii) Provide pay statements (stubs) or affidavits from religious institutions, non-profits, or other community-based organizations verifying that he or she is currently receiving some benefit or support from that entity and attesting to his or her financial situation as documentation of income, if available; and

(6) For applications related to Special Immigrant Juvenile classification,

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the applicant must provide the following in lieu of documentation of gross household income:

(i) Evidence that the applicant is approved for or filed for Special Immigrant Juvenile classification, and

(ii) Evidence that the applicant remains in out-of-home care such as foster care.

§ 106.4 Premium processing service.

(a) *General.* A person may submit a request to USCIS for premium processing of certain immigration benefit requests, subject to processing timeframes and fees, as described in this section.

(b) *Submitting a request.* A request must be submitted on the form and in the manner prescribed by USCIS in the form instructions. If the request for premium processing is submitted together with the underlying immigration benefit request, all required fees in the correct amount must be paid. The fee to request premium processing service may not be waived and must be paid in addition to, and in a separate remittance from, other filing fees.

(c) *Designated benefit requests and fee amounts.* Benefit requests designated for premium processing and the corresponding fees to request premium processing service are as follows:

(1) Application for classification of a nonimmigrant described in section 101(a)(15)(E)(i), (ii), or (iii) of the INA—\$2,500.

(2) Petition for classification of a nonimmigrant described in section 101(a)(15)(H)(i)(b) of the INA or section 222(a) of the Immigration Act of 1990, Public Law 101-649—\$2,500.

(3) Petition for classification of a nonimmigrant described in section 101(a)(15)(H)(ii)(b) of the INA—\$1,500.

(4) Petition for classification of a nonimmigrant described in section 101(a)(15)(H)(iii) of the INA—\$2,500.

(5) Petition for classification of a nonimmigrant described in section 101(a)(15)(L) of the INA—\$2,500.

(6) Petition for classification of a nonimmigrant described in section 101(a)(15)(O)(i) or (ii) of the INA—\$2,500.

(7) Petition for classification of a nonimmigrant described in section 101(a)(15)(P)(i), (ii), or (iii) of the INA—\$2,500.

(8) Petition for classification of a nonimmigrant described in section 101(a)(15)(Q) of the INA—\$2,500.

(9) Petition for classification of a nonimmigrant described in section 101(a)(15)(R) of the INA—\$1,500.

(10) Application for classification of a nonimmigrant described in section 214(e) of the INA—\$2,500.

(11) Petition for classification under section 203(b)(1)(A) of the INA—\$2,500.

(12) Petition for classification under section 203(b)(1)(B) of the INA—\$2,500.

(13) Petition for classification under section 203(b)(2)(A) of the INA not involving a waiver under section 203(b)(2)(B) of the INA—\$2,500.

(14) Petition for classification under section 203(b)(3)(A)(i) of the INA—\$2,500.

(15) Petition for classification under section 203(b)(3)(A)(ii) of the INA—\$2,500.

(16) Petition for classification under section 203(b)(3)(A)(iii) of the INA—\$2,500.

(17) Petition for classification under section 203(b)(1)(C) of the INA—\$2,500.

(18) Petition for classification under section 203(b)(2) of the INA involving a waiver under section 203(b)(2)(B) of the INA—\$2,500.

(19) Application under section 248 of the INA to change status to a classification described in section 101(a)(15)(F), (J), or (M) of the INA—\$1,750.

(20) Application under section 248 of the INA to change status to be classified as a dependent of a nonimmigrant described in section 101(a)(15)(E), (H), (L), (O), (P), or (R) of the INA, or to extend stay in such classification—\$1,750.

(21) Application for employment authorization—\$1,500.

(d) *Fee adjustments.* The fee to request premium processing service may be adjusted by notice in the FEDERAL REGISTER on a biennial basis based on the percentage by which the Consumer Price Index for All Urban Consumers for the month of June preceding the date on which such adjustment takes effect exceeds the Consumer Price Index for All Urban Consumers for the same month of the second preceding calendar year.

(e) *Processing timeframes.* The processing timeframes for a request for premium processing are as follows:

(1) Application for classification of a nonimmigrant described in section 101(a)(15)(E)(i), (ii), or (iii) of the INA—15 days.

(2) Petition for classification of a nonimmigrant described in section 101(a)(15)(H)(i)(b) of the INA or section 222(a) of the Immigration Act of 1990, Public Law 101–649—15 days.

(3) Petition for classification of a nonimmigrant described in section 101(a)(15)(H)(ii)(b) of the INA—15 days.

(4) Petition for classification of a nonimmigrant described in section 101(a)(15)(H)(iii) of the INA—15 days.

(5) Petition for classification of a nonimmigrant described in section 101(a)(15)(L) of the INA—15 days.

(6) Petition for classification of a nonimmigrant described in section 101(a)(15)(O)(i) or (ii) of the INA—15 days.

(7) Petition for classification of a nonimmigrant described in section 101(a)(15)(P)(i), (ii), or (iii) of the INA—15 days.

(8) Petition for classification of a nonimmigrant described in section 101(a)(15)(Q) of the INA—15 days.

(9) Petition for classification of a nonimmigrant described in section 101(a)(15)(R) of the INA—15 days.

(10) Application for classification of a nonimmigrant described in section 214(e) of the INA—15 days.

(11) Petition for classification under section 203(b)(1)(A) of the INA—15 days.

(12) Petition for classification under section 203(b)(1)(B) of the INA—15 days.

(13) Petition for classification under section 203(b)(2)(A) of the INA not involving a waiver under section 203(b)(2)(B) of the INA—15 days.

(14) Petition for classification under section 203(b)(3)(A)(i) of the INA—15 days.

(15) Petition for classification under section 203(b)(3)(A)(ii) of the INA—15 days.

(16) Petition for classification under section 203(b)(3)(A)(iii) of the INA—15 days.

(17) Petition for classification under section 203(b)(1)(C) of the INA—45 days.

(18) Petition for classification under section 203(b)(2) of the INA involving a

waiver under section 203(b)(2)(B) of the INA—45 days.

(19) Application under section 248 of the INA to change status to a classification described in section 101(a)(15)(F), (J), or (M) of the INA—30 days.

(20) Application under section 248 of the INA to change status to be classified as a dependent of a nonimmigrant described in section 101(a)(15)(E), (H), (L), (O), (P), or (R) of the INA, or to extend stay in such classification—30 days.

(21) Application for employment authorization—30 days.

(f) *Processing requirements and refunds.* (1) USCIS will issue an approval notice, denial notice, a notice of intent to deny, or a request for evidence within the premium processing timeframe.

(2) Premium processing timeframes will commence:

(i) For those benefits described in paragraphs (e)(1) through (16) of this section, on the date the form prescribed by USCIS, together with the required fee(s), are received by USCIS.

(ii) For those benefits described in paragraphs (e)(17) through (21) of this section, on the date that all prerequisites for adjudication, the form prescribed by USCIS, and fee(s) are received by USCIS.

(3) In the event USCIS issues a notice of intent to deny or a request for evidence, the premium processing timeframe will stop. The premium processing timeframe as specified in paragraphs (e)(1) through (21) of this section will start over on the date that USCIS receives a response to the notice of intent to deny or the request for evidence.

(4) Except as provided in paragraph (f)(5) of this section, USCIS will refund the premium processing service fee but continue to process the case if USCIS does not take adjudicative action described in paragraph (f)(1) of this section within the applicable processing timeframe as required in paragraph (e) of this section.

(5) USCIS may retain the premium processing fee and not take an adjudicative action described in paragraph (f)(1) of this section on the request within the applicable processing timeframe, and not notify the person who

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filed the request, if USCIS opens an investigation for fraud or misrepresentation relating to the immigration benefit request.

(g) *Availability.* (1) USCIS will announce by its official internet website, currently <http://www.uscis.gov>, the benefit requests described in paragraph (c) of this section for which premium processing may be requested, the dates upon which such availability commences or ends, and any conditions that may apply.

(2) USCIS may suspend the availability of premium processing for immigration benefit requests designated for premium processing if circumstances prevent the completion of processing of a significant number of such requests within the applicable processing timeframe.

[87 FR 18260, Mar. 30, 2022]

§ 106.5 Authority to certify records.

The Director of USCIS, or such officials as he or she may designate, may certify records when authorized under 5 U.S.C. 552 or any other law to provide such records.

§ 106.6 DHS severability.

Each provision of this part is separate and severable from one another. If any provision is stayed or determined to be invalid, the remaining provisions will continue in effect.

PART 109 [RESERVED]

PART 204—IMMIGRANT PETITIONS

Subpart A—Immigrant Visa Petitions

Sec.

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- 204.2 Petitions for relatives, widows and widowers, and abused spouses and children.
- 204.3 Orphan cases under section 101(b)(1)(F) of the Act (non-Hague Adoption Convention cases).
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204.11 Special immigrant juvenile classification.

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204.314 Appeal.

AUTHORITY: 8 U.S.C. 1101, 1103, 1151, 1153, 1154, 1182, 1184, 1186a, 1255, 1324a, 1641; 8 CFR part 2.

Subpart A—Immigrant Visa Petitions

§ 204.1 General information about immediate relative and family-sponsored petitions.

(a) *Types of petitions.* Petitions may be filed for an alien's classification as an immediate relative under section 201(b) of the Act or as a preference immigrant under section 203(a) of the Act based on a qualifying relationship to a citizen or lawful permanent resident of the United States, as follows: