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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, as amended at 89 FR 6385, Jan. 31, 2024]

§ 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.

106.2 Fees.

106.3 Fee waivers and exemptions.

106.4 Premium processing service.

106.5 Authority to certify records.

106.6 DHS severability.

AUTHORITY: 8 U.S.C. 1101, 1103, 1254a, 1254b, 1304, 1356; Pub. L. 107-609; 48 U.S.C. 1806; Pub. L. 107-296, 116 Stat. 2135 (6 U.S.C. 101 note); Pub. L. 115-218, 132 Stat. 1547; Pub. L. 116-159, 134 Stat. 709.

SOURCE: 85 FR 46916, Aug. 3, 2020, as amended at 89 FR 6386, Jan. 31, 2024, unless otherwise noted.

§ 106.1 Fee requirements.

(a) *General.* Fees must be submitted with any USCIS 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 § 106.2.

(b) *Remittance source and method.* 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. USCIS will provide at least a 30-day public notice before amending the payment method required for a fee.

(c) *Dishonored payments.* 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, rescinded, or canceled subject to statutory and regulatory requirements applicable to the immigration benefit request. If the approved benefit request requires multiple fees, this paragraph (c) would apply if any fee submitted is not honored, including a fee to request premium processing under § 106.4. Other fees that were paid for a benefit request that is revoked upon notice under this paragraph (c) will be retained and not refunded. A revocation of an approval because the fee submitted is not honored may be appealed in accordance with 8 CFR 103.3, the applicable form instructions, and other statutes or regulations that may apply.

(d) *Expired payments.* DHS is not responsible for financial instruments that expire before they are deposited. USCIS may reject any filing for which required payment cannot be processed due to expiration of the financial instrument.

(e) *Credit and debit card disputes.* Fees paid to USCIS using a credit or debit card are not subject to dispute, chargeback, forced refund, or return to the cardholder for any reason except at the discretion of USCIS.

(f) *Definitions.* For the purposes of this part, the term:

(1) Small employer means a firm or individual that has 25 or fewer full-time equivalent employees in the United States, including any affiliates and subsidiaries.

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(2) Nonprofit means not-for-profit primary or secondary educational institutions, or institutions of higher education, as defined in section 101(a) of the Higher Education Act of 1965, 20 U.S.C. 1001(a); organizations organized as tax exempt under the Internal Revenue Code of 1986, section 501(c)(3), 26 U.S.C. 501(c)(3); or governmental research organizations as defined under 8 CFR 214.2(h)(19)(iii)(C).

(3) Means tested benefit means, as determined by USCIS, a public benefit where the agency granting the benefit considers income and resources. Means-tested benefits may be federally, state, or locally funded. In general, for a benefit that was granted based on income, USCIS considers it a means-tested benefit.

(4) Federal Poverty Guidelines means the poverty guidelines 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).

(g) *Online filing discount.* Unless otherwise provided in this part, the fee for forms filed online with USCIS, using the electronic system prescribed by USCIS, will be an amount that is \$50 lower than the fee prescribed in § 106.2.

[89 FR 6386, Jan. 31, 2024; 89 FR 20104, Mar. 21, 2024]

§ 106.2 Fees.

(a) *I Forms*—(1) *Application to Replace Permanent Resident Card, Form I-90.* For 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 \$465.

(i) If the applicant was issued a card but never received it: No fee.

(ii) If the applicant's card was issued with incorrect information because of DHS error and the applicant is filing for a replacement: No fee.

(iii) If the applicant has reached their 14th birthday and their existing card will expire after their 16th birthday: No fee.

(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 Per-

mit Form I-95, to replace one lost, mutilated, or destroyed: \$560.

(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; and

(iv) For replacement for DHS error: No fee.

(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: \$780. For small employers and nonprofits: \$460.

(ii) Petition for H-2A Nonimmigrant Worker with 1 to 25 named beneficiaries: \$1,090.

(iii) Petition for H-2A Nonimmigrant Worker with only unnamed beneficiaries: \$530. For small employers and nonprofits: \$460.

(iv) Petition for H-2B Nonimmigrant Worker with 1 to 25 named beneficiaries: \$1,080.

(v) Petition for H-2B Nonimmigrant Worker with only unnamed beneficiaries: \$580. For small employers and nonprofits: \$460.

(vi) Petition for L Nonimmigrant Worker: \$1,385.

(vii) Petition for O Nonimmigrant Worker with 1 to 25 named beneficiaries: \$1,055.

(viii) Petition or Application for E, H-3, P, Q, R, or TN Nonimmigrant Worker with 1 to 25 named beneficiaries: \$1,015.

(ix) For small employers and nonprofits as defined in § 106.1(f), the fees in paragraphs (a)(3)(ii), (a)(3)(iv), (a)(3)(vi), (a)(3)(vii), and (a)(3)(viii) of this section will be one-half the amount in those paragraphs rounded to the nearest \$5 increment.

(x) Additional fees in paragraph (c) of this section may apply.

(xi) The online filing discount in § 106.1(g) does not apply to the fee for small employers and nonprofits in

paragraphs (a)(3)(i), (a)(3)(iii), (a)(3)(v), and (a)(3)(ix) of this section.”

(4) *Petition for a CNMI-Only Non-immigrant Transitional Worker, Form I-129CW.*

(i) For an employer to petition on behalf of CW-1 nonimmigrant beneficiaries in the Commonwealth of the Northern Mariana Islands (CNMI): \$1,015.

(ii) For small employers and non-profits: \$510. For the Semiannual Report for CW-1 Employers (Form I-129CWR): No fee. The online filing discount in §106.1(g) does not apply.

(iii) Additional fees in paragraph (c) of this section may apply.

(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: \$675.

(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: \$675.

(7) *Application for Travel Document, Form I-131.* (i) Refugee Travel Document for asylee and lawful permanent resident who obtained such status as an asylee 16 years or older: \$165.

(ii) Refugee Travel Document for asylee or lawful permanent resident who obtained such status as an asylee under the age of 16: \$135.

(iii) Advance Parole, Reentry Permit, and other travel documents: \$630.

(iv) There is no fee for a travel document for applicants who filed USCIS Form I-485 on or after July 30, 2007, and before April 1, 2024, and paid the Form I-485 fee, while the I-485 remains pending.

(v) There is no fee for parole requests from current or former U.S. armed forces service members.

(vi) The discount in section 106.1(g) does not apply to paragraphs (a)(7)(i) and (ii) of this section.

(8) *Application for Carrier Documentation, Form I-131A.* For filing an application to allow an individual who loses their approved travel document to apply for a travel document (carrier

documentation) to board an airline or other transportation carrier to return to the United States: \$575.

(9) *Declaration of Financial Support, Form I-134.* To provide financial support to a beneficiary of certain immigration benefits for the duration of their temporary stay in the United States. No fee.

(10) *Online Request to be a Supporter and Declaration of Financial Support, Form I-134A.* To request to be a supporter and agree to provide financial support to a beneficiary and undergo background checks as part of certain special parole processes. No fee.

(11) *Immigrant Petition for Alien Worker, Form I-140.* For filing a petition to classify preference status of an alien based on profession or occupation under section 204(a) of the Act: \$715.

(12) *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: \$930.

(13) *Application for Advance Permission to Enter as a Nonimmigrant, Form I-192.* For filing an application for discretionary relief under section 212(d)(3), (13), or (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: \$1,100. The online filing discount in §106.1(g) applies when this form is submitted to USCIS but does not apply to this paragraph when the form is submitted to CBP.

(14) *Application for Waiver of Passport and/or Visa, Form I-193.* For filing an application for waiver of passport and/or visa: \$695. The discount in §106.1(g) does not apply to this section when the form is submitted to CBP.

(15) *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: \$1,175. The online filing discount in §106.1(g) does not apply to this section when the form is submitted to CBP.

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(16) *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, and for filing a motion to reopen or reconsider a USCIS decision: \$800.

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

(ii) There is no fee for conditional permanent residents who filed a waiver of the joint filing requirement based on battery or extreme cruelty and filed a Notice of Appeal or Motion (Form I-290B) when their Petition to Remove the Conditions on Residence (Form I-751) was denied.

(17) *Petition for Amerasian, Widow(er), or Special Immigrant, Form I-360*: \$515. There is no fee for the following:

(i) A petition seeking classification as an Amerasian;

(ii) A petition seeking immigrant classification as a Violence Against Women Act (VAWA) self-petitioner;

(iii) A petition for Special Immigrant Juvenile classification;

(iv) A petition seeking special immigrant classification as 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 Force (ISAF); or a surviving spouse or child of such a person; or

(v) A petition for a person who served honorably on active duty in the U.S. armed forces filing under section 101(a)(27)(K) of the Act.

(18) *Affidavit of Financial Support and Intent to Petition for Legal Custody for Public Law 97-359 Amerasian, Form I-361*. Filed in support of Form I-360, Petition to Classify Public Law 97-359 Amerasian as the Child, Son, or Daughter of a United States Citizen. No fee.

(19) *Request to Enforce Affidavit of Financial Support and Intent to Petition for Legal Custody for Public Law 97-359 Amerasian, Form I-363*. For a beneficiary of a petition for a Public Law 97-359 Amerasian to request enforcement of the guarantee of financial sup-

port and legal custody executed by the beneficiary's sponsor. No fee.

(20) *Record of Abandonment of Lawful Permanent Resident Status, Form I-407*. To voluntarily abandon status as a lawful permanent resident. No fee.

(21) *Application to Register Permanent Residence or Adjust Status, Form I-485*. For filing an application for permanent resident status or creation of a record of lawful permanent residence:

(i) \$1,440 for an applicant 14 years of age or older; or

(ii) \$950 for an applicant under the age of 14 years who submits the application concurrently with the Form I-485 of a parent.

(iii) There is no fee for the following:

(A) An applicant who is in deportation, exclusion, or removal proceedings before an immigration judge, and the court waives the application fee.

(B) An applicant who served honorably on active duty in the U.S. armed forces who is filing under section 101(a)(27)(K) of the Act.

(22) *Application to Adjust Status under Section 245(i) of the Act, Form I-485 Supplement A*. Supplement A to Form I-485 for persons seeking to adjust status under the provisions of section 245(i) of the Act a sum of \$1,000 be paid while the applicant's, "Application to Register Permanent Residence or Adjust Status," is pending, unless payment of the additional sum is not required under section 245(i) of the Act, including:

(i) If applicant is unmarried and under 17 years of age: No fee.

(ii) If the applicant is the spouse or unmarried child under 21 years of age of a legalized alien and attaches a copy of a USCIS receipt or approval notice for a properly filed Form I-817, Application for Family Unity Benefits: No fee.

(23) *Confirmation of Bona Fide Job Offer or Request for Job Portability Under INA Section 204(j), Form I-485J*. To confirm that the job offered in Form I-140, Immigrant Petition for Alien Workers, remains a bona fide job offer that the beneficiary intends to accept once we approve the Form I-485, Application to Register Permanent Residence or Adjust Status, or request job portability under INA section 204(j) to a new, full-

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time, permanent job offer that the beneficiary intends to accept once we approve the Form I-485. No fee.

(24) *Request for Waiver of Certain Rights, Privileges, Exemptions, and Immunities, Form I-508*. To waive certain diplomatic rights privileges, exemptions, and immunities associated with your occupational status. No fee.

(25) *Immigrant Petition by Standalone or Regional Center Investor, Forms I-526 and I-526E*. To petition USCIS for status as an immigrant to the United States under section 203(b)(5) of the Act.

(i) Immigrant Petition by Standalone Investor, Form I-526: \$11,160.

(ii) Immigrant Petition by Regional Center Investor, Form I-526E: \$11,160.

(26) *Application To Extend/Change Nonimmigrant Status, Form I-539*. For certain nonimmigrants to extend their stay or change to another non-immigrant status, CNMI residents applying for an initial grant of status, F and M nonimmigrants applying for reinstatement, and persons seeking V nonimmigrant status or an extension of stay as a V nonimmigrant. \$470. There is no fee for Nonimmigrant A, G, and NATO.

(27) *Interagency Record of Request—A, G, or NATO Dependent Employment Authorization or Change/Adjustment To/From A, G, or NATO Status, Form I-566*. For dependent employment authorization as an eligible A-1, A-2, G-1, G-3, G-4, or NATO 1-6 dependent; or change or adjustment of status to, or from, A, G or NATO status. No fee.

(28) *Application for Asylum and Withholding of Removal, Form I-589*. To apply for asylum and withholding of removal. No fee.

(29) *Registration for Classification as a Refugee, Form I-590*. To determine eligibility for refugee classification and resettlement in the United States. No fee.

(30) *Petition to Classify Orphan as an Immediate Relative, Form I-600*. For filing a petition to classify an orphan as an immediate relative: \$920.

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

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

(iii) If more than one Form I-600 is filed during the Form I-600A approval period on behalf of beneficiaries who are not birth siblings, the fee is \$920 for the second and each subsequent Form I-600 petition submitted.

(iv) This filing fee is not charged if a new Form I-600 combination filing is filed due to a change in marital status while the prior Form I-600A or Form I-600 combination filing is pending.

(v) This filing fee is charged if a new Form I-600 combination filing is filed due to a change in marital status after the Form I-600A or Form I-600 combination filing suitability determined is approved.

(31) *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: \$920.

(i) This filing fee is not charged if a new Form I-600A is filed due to a change in marital status while the prior Form I-600A is pending.

(ii) This filing fee is charged if a new Form I-600A is filed due to a change in marital status after the Form I-600A is approved.

(32) *Request for Action on Approved Form I-600A/I-600, Form I-600A/I-600 Supplement 3*. To request an extension of a suitability determination; updated suitability determination; change of non-Convention country; or a duplicate approval notice. \$455. This filing fee:

(i) Is not charged to obtain a first or second extension of the approval of Form I-600A, or to obtain a first or second change of non-Hague Adoption Convention country during the Form I-600A approval period.

(ii) Is not charged for a request for a duplicate approval notice.

(iii) Is charged to request a new approval notice based on a significant change and updated home study unless there is also a request for a first or second extension of the Form I-600A approval, or a first or second change of non-Hague Adoption Convention country on the same Supplement 3.

(iv) Is charged for third or subsequent extensions of the approval of the Form I-600A and third or subsequent changes of non-Hague Adoption Convention country.

(33) *Application for Waiver of Ground of Inadmissibility, Form I-601.* To seek a waiver of grounds of inadmissibility if you are inadmissible to the United States and are seeking an immigrant visa, adjustment of status, certain non-immigrant statuses, or certain other immigration benefits. \$1,050. For applicants for adjustment of status of Indochina refugees under Public Law 95-145. No fee.

(34) *Application for Provisional Unlawful Presence Waiver, Form I-601A.* To request a provisional waiver of the unlawful presence grounds of inadmissibility under section 212(a)(9)(B) of the Act. \$795.

(35) *Application by Refugee for Waiver of Grounds of Inadmissibility, Form I-602.* For a refugee who has been found inadmissible to the United States to apply for a waiver of inadmissibility for humanitarian reasons, family unity, or national interest. No fee.

(36) *Application for Waiver of the Foreign Residence Requirement (under Section 212(e) of the Immigration and Nationality Act, as Amended), Form I-612.* For J-1 and J-2 visas holders and their families to apply for a waiver of the two-year foreign residence requirement. \$1,100.

(37) *Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, Form I-687.* To apply for a waiver of inadmissibility for an applicant for adjustment of status under section 245A or 210 of the Act. \$1,240.

(38) *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 section 210 or 245A of the Act: \$905.

(39) *Report of Immigration Medical Examination and Vaccination Record (Form I-693).* For adjustment of status applicants to establish they are not inadmissible to the United States on health-related grounds. No fee.

(40) *Notice of Appeal of Decision under Sections 245A or 210 of the Immigration*

and Nationality Act, Form I-694. For appealing the denial of an application under section 210 or 245A of the Act, or a petition under section 210A of the Act: \$1,125.

(41) *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 (under section 245A of Pub. L. 99-603): \$1,670.

(42) *Refugee/Asylee Relative Petition, Form I-730.* For a refugee to request a spouse and unmarried child be approved to join them in the United States. No fee.

(43) *Petition to Remove Conditions on Residence, Form I-751.* For filing a petition to remove the conditions on residence based on marriage: \$750. There is no fee for a conditional permanent resident spouse or child who files a waiver of the joint filing requirement based on battery or extreme cruelty.

(44) *Application for Employment Authorization, Form I-765.* To request employment authorization and/or an Employment Authorization Document (EAD). \$520.

(i) For an applicant who filed USCIS Form I-485 with a fee after April 1, 2024, and their Form I-485 is still pending: \$260. The online filing discount in §106.1(g) does not apply to this paragraph.

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

(A) An applicant who filed USCIS Form I-485 on or after July 30, 2007, and before April 1, 2024, and paid the Form I-485 fee;

(B) Dependents of certain government and international organizations or NATO personnel;

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

(D) Persons granted asylee status (AS1, AS6);

(E) Citizen of Micronesia, Marshall Islands, or Palau;

(F) Persons granted Withholding of Deportation or Removal;

(G) Applicant for Asylum and Withholding of Deportation or Removal including derivatives;

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(H) Taiwanese dependents of Taipei Economic and Cultural Representative Office (TECRO) E-1 employees; and

(I) Current or former U.S. armed forces service members.

(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 the following:

(A) Any current Adjustment of Status or Registry applicant who filed for adjustment of status on or after July 30, 2007, and before April 1, 2024, and paid the appropriate Form I-485 filing fee;

(B) Dependent of certain foreign government, international organization, or NATO personnel;

(C) Citizen of Micronesia, Marshall Islands, or Palau; and

(D) Persons granted withholding of deportation or removal.

(E) Current or former U.S. armed forces service members.

(45) *Application for Employment Authorization for Abused Nonimmigrant Spouse, Form I-765V*. Used for certain abused nonimmigrant spouses to request an employment authorization document (EAD). No fee.

(46) *Petition to Classify Convention Adoptee as an Immediate Relative, Form I-800*. For filing a petition to classify a Convention adoptee as an immediate relative: \$920.

(i) There is no fee for the first Form I-800 filed for a child based on an approved *Application for Determination of Suitability to Adopt a Child from a Convention Country, Form I-800A*, during the Form I-800A approval period.

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

(iii) If more than one Form I-800 is filed during the Form I-800A approval period on behalf of beneficiaries who are not birth siblings, the fee is \$920 for the second and each subsequent Form I-800 petition submitted.

(47) *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: \$920.

(i) This filing fee is not charged if a new Form I-800A is filed due to a change in marital status while the prior Form I-800A is pending.

(ii) This filing fee is charged if a new Form I-800A is filed due to a change in marital status after the Form I-800A is approved.

(48) *Request for Action on Approved Form I-800A, Form I-800A Supplement 3*. To request an extension of a suitability determination; updated suitability determination; change in Convention country; or a request for a duplicate approval notice. \$455. This filing fee:

(i) Is not charged to obtain a first or second extension of the approval of Form I-800A, or to obtain a first or second change of Hague Adoption Convention country during the Form I-800A approval period.

(ii) Is not charged for a request for a duplicate approval notice.

(iii) Is charged to request a new approval notice based on a significant change and updated home study unless there is a request for a first or second extension of the Form I-800A approval, or a first or second change of Hague Adoption Convention country on the same Supplement 3.

(iv) Is charged for third or subsequent extensions of the Form I-800A approval and third or subsequent changes of Hague Adoption Convention country.

(49) *Application for Family Unity Benefits, Form I-817*. For filing an application for voluntary departure under the Family Unity Program: \$760.

(50) *Application for Temporary Protected Status, Form I-821*. For an eligible national of a designated country or a person without nationality who last habitually resided in the designated country to apply for Temporary Protected Status (TPS).

(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.

(iv) The online filing discount in §106.1(g) does not apply to paragraphs (a)(50)(i) and (a)(50)(ii) of this section.

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(51) *Consideration of Deferred Action for Childhood Arrivals, Form I-821D*. To request that USCIS consider granting or renewing deferred action under 8 CFR 236.21–236.25. \$85. The online filing discount in §106.1(g) does not apply to this section.

(52) *Application for Action on an Approved Application or Petition, Form I-824*. To request additional action on a previously approved benefit request. \$590.

(53) *Petition by Investor to Remove Conditions on Permanent Resident Status, Form I-829*. For a conditional permanent resident who obtained status through qualified investment to remove the conditions on their residence. \$9,525.

(54) *Inter-Agency Alien Witness and Informant Record, Form I-854*. To request an alien witness and/or informant receive classification as an S non-immigrant. No fee.

(55) *Affidavit of Support Under Section 213A of the INA, Form I-864*. For immigrants to show they have adequate means of financial support and are not likely to rely on the U.S. government for financial support. No fee.

(i) *Contract Between Sponsor and Household Member, Form I-864A*. For a household member to promise to support sponsored immigrants. No fee.

(ii) *Affidavit of Support Under Section 213A of the INA, Form I-864EZ*. To show that the applying immigrant has adequate means of financial support and is not likely to rely on the U.S. government for financial support. No fee.

(iii) *Request for Exemption for Intending Immigrant's Affidavit of Support, Form I-864W*. To establish that an applicant is exempt from the Form I-864 requirements. No fee.

(iv) *Sponsor's Notice of Change of Address, Form I-865*. To report a sponsor's new address and/or residence. No fee.

(56) *Application for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to Section 203 of Pub. L. 105-100), Form I-881*. To apply for suspension of deportation or special rule cancellation of removal under the Nicaraguan Adjustment and Central American Relief Act.

(i) \$340 for adjudication by DHS.

(ii) \$165 for adjudication by EOIR. If the Form I-881 is referred to the immigration court by DHS: No fee.

(iii) If filing Form I-881 as a VAWA self-petitioner, including derivatives, as defined under section 101(a)(51)(F) of the Act: No fee.

(57) *Application for Authorization to Issue Certification for Health Care Workers, Form I-905*. For an organization to apply for authorization to issue certificates to health care workers. \$230.

(58) *Request for Premium Processing Service, Form I-907*. The Request for Premium Processing Service fee will be as provided in §106.4. The online filing discount in §106.1(g) does not apply to a request for premium processing.

(59) *Request for Civil Surgeon Designation, Form I-910*. To apply for civil surgeon designation. \$990.

(60) *Request for Fee Waiver, Form I-912*. To request a fee waiver. No fee.

(61) *Application for T Nonimmigrant Status, Form I-914*. To request temporary immigration benefits for a victim of a severe form of trafficking in persons, also known as human trafficking. No fee.

(i) *Supplement A to Form I-914, Application for Immigrant Family Member of a T-1 Recipient*. To request temporary immigration benefits for eligible family members of a victim of a severe form of trafficking in persons. No fee.

(ii) *Supplement B to Form I-914, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons*. For a law enforcement agency to certify that a trafficking victim is being helpful to law enforcement during the detection, investigation, or prosecution of the trafficking. No fee.

(62) *Petition for U Nonimmigrant Status, Form I-918*. For a victim of qualifying criminal activity to petition for temporary immigration benefits. No fee.

(i) *Supplement A to Form I-918, Petition for Qualifying Family Member of U-1 Recipient*. To request temporary immigration benefits for qualifying family members of a victim of qualifying criminal activity. No fee.

(ii) *Supplement B to Form I-918, U Nonimmigrant Status Certification*. For a law enforcement agency to certify that an individual is a victim of qualifying criminal activity and has been, is

being, or is likely to be helpful to law enforcement in the detection, investigation, or prosecution of the qualifying criminal activity. No fee.

(63) *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. No fee.

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

(65) *Application for Regional Center Designation, Form I-956*. To request designation as a regional center or to request an amendment to an approved regional center. \$47,695.

(66) *Application for Approval of Investment in a Commercial Enterprise, Form I-956F*. To request approval of each particular investment offering through an associated new commercial enterprise. \$47,695.

(67) *Regional Center Annual Statement, Form I-956G*. To provide updated information and certify that a Regional Center under the Immigrant Investor Program has maintained its eligibility. \$4,470.

(68) *Bona Fides of Persons Involved with Regional Center Program, Form I-956H*. For each person involved with a regional center to attest to their compliance with section 203(b)(5)(H) of the Act. No fee.

(69) *Registration for Direct and Third-Party Promoters, Form I-956K*. For each person acting as a direct or third-party promoter (including migration agents) of a regional center, any new commercial enterprises, an affiliated job-creating entity, or an issuer of securities intended to be offered to immigrant investors in connection with a particular capital investment project. No fee.

(b) *N Forms*—(1) *Application to File Declaration of Intention, Form N-300*. For a permanent resident to declare their intent to become a U.S. citizen. \$320.

(2) *Request for a Hearing on a Decision in Naturalization Proceedings Under Section 336, Form N-336*. To request a hearing before an immigration officer on the denial of Form N-400, Application for Naturalization. \$830. There is no fee for an applicant who has filed an *Appli-*

cation for Naturalization under section 328 or 329 of the Act with respect to military service and whose application has been denied.

(3) *Application for Naturalization, Form N-400*. To apply for U.S. citizenship. \$760. The following exceptions apply:

(i) No fee is charged an applicant who meets the requirements of section 328 or 329 of the Act with respect to military service.

(ii) The fee for an applicant whose documented household income is less than or equal to 400 percent of the Federal Poverty Guidelines: \$380. The discount in section 106.1(g) does not apply to this section.

(4) *Request for Certification of Military or Naval Service, Form N-426*. To request that the Department of Defense verify military or naval service. No fee.

(5) *Application to Preserve Residence for Naturalization Purposes, Form N-470*. Application for a lawful permanent resident who must leave the United States to preserve their residence to pursue naturalization. \$420.

(6) *Application for Replacement Naturalization/Citizenship Document, Form N-565*. To apply for a replacement Declaration of Intention; Naturalization Certificate; Certificate of Citizenship; or Repatriation Certificate; or to apply for a special certificate of naturalization as a U.S. citizen to be recognized by a foreign country. \$555. There is no fee when this application is submitted under 8 CFR 338.5(a) to request correction of a certificate that contains an error.

(7) *Application for Certificate of Citizenship, Form N-600*. To apply for a Certificate of Citizenship. \$1,385.

(i) There is no fee for any application filed by a current or former member of any branch of the U.S. armed forces on their own behalf.

(ii) There is no fee for an application filed on behalf of an individual who is the subject of a final adoption for immigration purposes and meets (or met before age 18) the definition of child under section 101(b)(1)(E), (F), or (G) of the Act.

(8) *Application for Citizenship and Issuance of Certificate Under Section 322, Form N-600K*. Application for children who regularly reside outside the United States to apply for citizenship based on

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a U.S. citizen parent. \$1,385. There is no fee for an application filed on behalf of a child who is the subject of a final adoption for immigration purposes and meets the definition of child under section 101(b)(1)(E), (F), or (G) of the Act.

(9) *Application for Posthumous Citizenship, Form N-644.* To request citizenship for someone who died because of injury or disease incurred in or aggravated by service in an active-duty status with the U.S. armed forces during a specified period of military hostilities. No fee.

(10) *Medical Certification for Disability Exceptions, Form N-648.* For a naturalization applicant to request an exception to the English and civics testing requirements for naturalization because of physical or developmental disability or mental impairment. No fee.

(c) *G Forms, statutory fees, and non-form fees*—(1) *Genealogy Index Search Request, Form G-1041.* The fee is due regardless of the search results. \$80.

(2) *Genealogy Records Request, Form G-1041A.* USCIS will refund the records request fee when it cannot find any file previously identified in response to the index search request. \$80.

(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: \$235.

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

(ii) For filing H-2B petitions as described in 8 U.S.C. 1184(c): \$150.

(6) *Fraud detection and prevention fee for Form I-129CW.* For filing certain CW-1 petitions as described in Public Law 115-218: \$50.

(7) *CNMI education funding fee.* For filing certain CW-1 petitions as described in Public Law 115-218 and USCIS form instructions. The fee amount will be as prescribed in the form instructions and:

(i) The employer must pay the fee for each beneficiary and for each year or partial year of requested validity; and

(ii) Beginning in FY 2020, the \$200 fee may be adjusted once per year by notice in the FEDERAL REGISTER based on the amount of inflation according to the Consumer Price Index for All Urban Consumers (CPI-U).

(8) *9-11 response and biometric entry-exit fee for H-1B Visa.* For certain petitioners who employ 50 or more employees in the United States if more than 50 percent of the petitioner's employees are in H-1B, L-1A, or L-1B non-immigrant status: \$4,000. Collection of this fee is scheduled to end on September 30, 2027.

(9) *9-11 response and biometric entry-exit fee for L-1 Visa.* For certain petitioners who employ 50 or more employees in the United States, if more than 50 percent of the petitioner's employees are in H-1B, L-1A, or L-1B non-immigrant status: \$4,500. Collection of this fee is scheduled to end on September 30, 2027.

(10) *Claimant under section 289 of the Act.* For American Indians who are born in Canada and possess at least 50 percent American Indian blood to request lawful permanent resident status. No fee.

(11) 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: \$215. This fee is not subject to the online discount provided in §106.1(g).

(12) *Request for Certificate of Non-Existence, G-1566.* For a certification of non-existence of a naturalization record. \$330.

(13) *Asylum Program Fee.* In addition to the fees required by §106.2(a)(3), (a)(4) and (a)(11), to fund the asylum program, the Asylum Program Fee must be paid by any petitioner filing a *Petition for a Nonimmigrant Worker, Form I-129* under 8 CFR 214.2, *Petition for a CNMI-Only Nonimmigrant Transitional Worker, Form I-129CW* under 8 CFR 214.2(w), or an *Immigrant Petition for Alien Worker, Form I-140* under 8 CFR 204.1(a). \$600. For petitions:

(i) Filed by a nonprofit as defined in §106.1(f): No fee.

(ii) Filed by a small employer as defined in §106.1(f): \$300.

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(iii) The online filing discount provided in §106.1(g) does not apply to this fee.

(d) *Inflationary adjustment.* The fees prescribed in this section that are not set or limited by statute may be adjusted, but not more often than once per year, by publication of a rule in the FEDERAL REGISTER that:

(1) Is based on the amount of inflation as measured by the difference in the CPI-U as published by the U.S. Department of Labor, U.S. Bureau of Labor Statistics in April of the year of the last fee rule and the year of the adjustment under this section.

(2) Adjusts all fees that are not set by statute based on the amount of inflation.

(3) Rounds the fees calculated by the amount of inflation to the nearest \$5 increment.

[85 FR 46916, Aug. 3, 2020, as amended at 86 FR 14227, Mar. 15, 2021; 87 FR 53297, Aug. 30, 2022; 89 FR 6386, Jan. 31, 2024; 89 FR 20104, Mar. 21, 2024]

§ 106.3 Fee waivers and exemptions.

(a) *Waiver of fees*—(1) *Eligibility.* The party requesting the benefit must be unable to pay the prescribed fee. A person demonstrates an inability to pay the fee by establishing at least one of the following criteria:

(i) Receipt of a means-tested benefit as defined in §106.1(f)(3) at the time of filing;

(ii) Household income at or below 150 percent of the Federal Poverty Guidelines at the time of filing; or

(iii) Extreme financial hardship due to extraordinary expenses or other circumstances that render the individual unable to pay the fee.

(2) *Requesting a fee waiver.* To request a fee waiver, a person requesting an immigration benefit must submit a written request for permission to have their request processed without payment of a fee with their benefit request. The request must state the person's belief that he or she is entitled to or deserving of the benefit requested, the reasons for his or her inability to pay, and evidence to support the reasons indicated. There is no appeal of the denial of a fee waiver request.

(3) *USCIS fees that may be waived.* Only the following fees may be waived:

(i) The following fees for the following forms may be waived without condition:

(A) Application to Replace Permanent Resident Card (Form I-90);

(B) Application for Relief Under Former Section 212(c) of the Immigration and Nationality Act (Form I-191);

(C) Petition to Remove the Conditions of Residence (Form I-751);

(D) Application for Family Unity Benefits (Form I-817);

(E) Application for Temporary Protected Status (Form I-821);

(F) Application for Suspension of Deportation or Special Rule Cancellation of Removal (Form I-881) (under section 203 of Pub. L. 105-110);

(G) Application to File Declaration of Intention (Form N-300);

(H) Request for a Hearing on a Decision in Naturalization Proceedings Under Section 336 (Form N-336);

(I) Application for Naturalization (Form N-400);

(J) Application to Preserve Residence for Naturalization Purposes (N-470);

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

(L) Application for Certificate of Citizenship (N-600); and

(M) Application for Citizenship and Issuance of Certificate under section 322 of the Act (N-600K).

(ii) The following form fees may be waived based on the conditions described in paragraphs (a)(3)(ii)(A) through (F) of this section:

(A) Petition for a CNMI-Only Nonimmigrant Transitional Worker (Form I-129CW) for a E-2 CNMI investor. Waiver of the fee for Form I-129CW does not waive the requirement for a E-2 CNMI investor to pay any fees in §106.2(c) that may apply.

(B) An Application to Extend/Change Nonimmigrant Status (Form I-539), only in the case of a noncitizen applying for CW-2 nonimmigrant status;

(C) Application for Travel Document (Form I-131), when filed to request humanitarian parole;

(D) Notice of Appeal or Motion (Form I-290B), when there is no fee for the underlying application or petition or that fee may be waived;

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(E) Notice of Appeal of Decision Under Sections 245A or 210 of the Immigration and Nationality Act (Form I-694), if the underlying application or petition was fee exempt, the filing fee was waived, or was eligible for a fee waiver;

(F) Application for Employment Authorization (Form I-765), except persons filing under category (c)(33), Deferred Action for Childhood Arrivals; and

(G) Petition for Nonimmigrant Worker (Form I-129) or Application to Extend/Change Nonimmigrant Status (Form I-539), only in the case of a non-citizen applying for E-2 CNMI Investor for an extension of stay.

(iii) Any fees associated with the filing of any benefit request under 8 U.S.C. 1101(a)(51) and those otherwise self-petitioning under 8 U.S.C. 1154(a)(1) (VAWA self-petitioners), 8 U.S.C. 1101(a)(15)(T) (T nonimmigrant status), 8 U.S.C. 1101(a)(15)(U) (U nonimmigrant status), 8 U.S.C. 1105a (battered spouses of A, G, E-3, or H nonimmigrants), 8 U.S.C. 1229b(b)(2) (special rule cancellation for battered spouse or child), and 8 U.S.C. 1254a(a) (Temporary Protected Status).

(iv) The following fees may be waived only if the person is exempt from the public charge grounds of inadmissibility under section 212(a)(4) of the Act, 8 U.S.C. 1182(a)(4):

(A) Application for Advance Permission to Enter as Nonimmigrant (Form I-192);

(B) Application for Waiver for Passport and/or Visa (Form I-193);

(C) Application to Register Permanent Residence or Adjust Status (Form I-485); and

(D) Application for Waiver of Grounds of Inadmissibility (Form I-601).

(4) *Immigration Court fees.* The provisions relating to the authority of the immigration judges or the Board to waive fees prescribed in paragraph (b) of this section in cases under their jurisdiction can be found at 8 CFR 1003.8 and 1003.24.

(b) *Humanitarian fee exemptions.* Persons in the following categories are exempt from paying certain fees as follows:

(1) Persons seeking or granted Special Immigrant Juvenile classification who file the following forms related to the Special Immigrant Juvenile classification or adjustment of status under section 245(h) of the Act, 8 U.S.C. 1255(h):

(i) Application for Travel Document (Form I-131).

(ii) Notice of Appeal or Motion (Form I-290B), if filed for any benefit request filed before adjustment of status or a motion filed for an Application to Register Permanent Residence or Adjust Status (Form I-485) or an associated ancillary form.

(iii) Application to Register Permanent Residence or Adjust Status (Form I-485).

(iv) Application for Waiver of Ground of Inadmissibility (Form I-601).

(v) Application for Employment Authorization (Form I-765).

(vi) Application for Action on an Approved Application or Petition (Form I-824).

(vii) Application for Provisional Unlawful Presence Waiver (Form I-601A).

(2) Persons seeking or granted T nonimmigrant status who file the following forms related to T nonimmigrant status or adjustment of status under INA section 245(1), 8 U.S.C. 1255(1):

(i) Application for Travel Document (Form I-131).

(ii) Application for Advance Permission to Enter as a Nonimmigrant (Form I-192).

(iii) Application for Waiver of Passport and/or Visa (Form I-193).

(iv) Notice of Appeal or Motion (Form I-290B), if filed for any benefit request filed before adjustment of status or a motion or appeal filed for an Application to Register Permanent Residence or Adjust Status (Form I-485) or an associated ancillary form.

(v) Application to Register Permanent Residence or Adjust Status (Form I-485).

(vi) Application to Extend/Change Nonimmigrant Status (Form I-539).

(vii) Application for Waiver of Ground of Inadmissibility (Form I-601).

(viii) Application for Employment Authorization (Form I-765).

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(ix) Application for Action on an Approved Application or Petition (Form I-824).

(3) Persons seeking or granted special immigrant visa or status as Afghan or Iraqi translators or interpreters, Iraqi nationals employed by or on behalf of the U.S. Government, or Afghan nationals employed by or on behalf of the U.S. Government or employed by the ISAF and their derivative beneficiaries, who file the following forms related to the Special Immigrant classification or adjustment of status under such classification:

(i) Application for Travel Document (Form I-131).

(ii) Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal (Form I-212).

(iii) Notice of Appeal or Motion (Form I-290B), if filed for any benefit request filed before adjustment of status or a motion filed for an Application to Register Permanent Residence or Adjust Status (Form I-485) or an associated ancillary form.

(iv) Application to Register Permanent Residence or Adjust Status (Form I-485).

(v) Application for Waiver of Ground of Inadmissibility (Form I-601).

(vi) Application for Employment Authorization (Form I-765).

(vii) Application for Action on an Approved Application or Petition (Form I-824).

(4) Persons seeking or granted adjustment of status as abused spouses and children under the Cuban Adjustment Act (CAA) and the Haitian Refugee Immigration Fairness Act (HRIFA) are exempt from paying the following fees for forms related to those benefits:

(i) Application for Travel Document (Form I-131).

(ii) Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal (Form I-212).

(iii) Notice of Appeal or Motion (Form I-290B), if filed for any benefit request filed before adjustment of status or a motion filed for an Application to Register Permanent Residence or Adjust Status (Form I-485) or an associated ancillary form.

(iv) Application to Register Permanent Residence or Adjust Status (Form I-485).

(v) Application for Waiver of Ground of Inadmissibility (Form I-601).

(vi) Application for Employment Authorization (Form I-765).

(vii) Application for Action on an Approved Application or Petition (Form I-824).

(5) Persons seeking or granted U non-immigrant status who file the following forms related to U non-immigrant status or adjustment of status under INA section 245(m), 8 U.S.C. 1255(m):

(i) Application for Travel Document (Form I-131).

(ii) Application for Advance Permission to Enter as a Nonimmigrant (Form I-192).

(iii) Application for Waiver of Passport and/or Visa (Form I-193).

(iv) Notice of Appeal or Motion (Form I-290B), if filed for any benefit request filed before adjustment of status or a motion or appeal filed for an Application to Register Permanent Residence or Adjust Status (Form I-485) or an associated ancillary form.

(v) Application to Register Permanent Residence or Adjust Status (Form I-485).

(vi) Application to Extend/Change Nonimmigrant Status (Form I-539).

(vii) Application for Waiver of Ground of Inadmissibility (Form I-601).

(viii) Application for Employment Authorization (Form I-765).

(ix) Application for Action on an Approved Application or Petition (Form I-824).

(x) Petition for Qualifying Family Member of a U-1 Nonimmigrant (Form I-929).

(6) Persons seeking or granted immigrant classification as VAWA self-petitioners and derivatives as defined in section 101(a)(51)(A) and (B) of the Act or those otherwise self-petitioning for immigrant classification under section 204(a)(1) of the Act, 8 U.S.C. 1154(a)(1), are exempt from paying the following fees for forms related to the benefit:

(i) Application for Travel Document (Form I-131).

(ii) Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal (Form I-212).

(iii) Notice of Appeal or Motion (Form I-290B) if filed for any benefit

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request filed before adjustment of status or a motion filed for an Application to Register Permanent Residence or Adjust Status (Form I-485) or an associated ancillary form.

(iv) Application to Register Permanent Residence or Adjust Status (Form I-485).

(v) Application for Waiver of Grounds of Inadmissibility (Form I-601).

(vi) Application for Provisional Unlawful Presence Waiver (Form I-601A).

(vii) Application for Employment Authorization (Form I-765) for initial, renewal, and replacement requests submitted under 8 CFR 274a.12(c)(9) and (14) and section 204(a)(1)(K) of the Act.

(viii) Application for Action on an Approved Application or Petition (Form I-824).

(7) Abused spouses and children applying for benefits under the Nicaraguan Adjustment and Central American Relief Act (NACARA) are exempt from paying the following fees for forms related to the benefit:

(i) Application for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to Section 203 of Public Law 105–100 (NACARA)) (Form I-881).

(ii) Application for Waiver of Grounds of Inadmissibility (Form I-601).

(iii) Application for Employment Authorization (Form I-765) submitted under 8 CFR 274a.12(c)(10).

(iv) Application for Action on an Approved Application or Petition (Form I-824).

(8) Battered spouses and children of a lawful permanent resident or U.S. citizen applying for cancellation of removal and adjustment of status under section 240A(b)(2) of the Act are exempt from paying the following fees for forms related to the benefit:

(i) Application for Employment Authorization (Form I-765) under 8 CFR 274a.12(c)(10).

(ii) Application for Action on an Approved Application or Petition (Form I-824).

(9) Refugees, persons paroled as refugees, or lawful permanent residents who obtained such status as refugees in the United States are exempt from paying the following fees:

(i) Application for Travel Document (Form I-131).

(ii) Application for Carrier Documentation (Form I-131A).

(iii) Application for Employment Authorization (Form I-765).

(iv) Application to Register Permanent Residence or Adjust Status (Form I-485).

(c) *Director's waiver or exemption exception.* The Director of USCIS may authorize the waiver of or exemption from, in whole or in part, a form fee required by §106.2 that is not otherwise waivable or exempt under this section, if the Director determines that such action is in the public interest and consistent with the applicable law. This discretionary authority may be delegated only to the USCIS Deputy Director.

[89 FR 6386, Jan. 31, 2024; 89 FR 20105, Mar. 21, 2024]

§ 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 other filing fees. USCIS may require the premium processing service fee be paid in a separate remittance from other filing fees and preclude combined payments in the applicable form instructions.

(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 Act: \$2,805.

(2) Petition for classification of a nonimmigrant described in section 101(a)(15)(H)(i)(b) of the Act or section

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222(a) of the Immigration Act of 1990, Public Law 101-649: \$2,805.

(3) Petition for classification of a nonimmigrant described in section 101(a)(15)(H)(ii)(b) of the Act: \$1,685.

(4) Petition for classification of a nonimmigrant described in section 101(a)(15)(H)(iii) of the Act: \$2,805.

(5) Petition for classification of a nonimmigrant described in section 101(a)(15)(L) of the Act: \$2,805.

(6) Petition for classification of a nonimmigrant described in section 101(a)(15)(O)(i) or (ii) of the Act: \$2,805.

(7) Petition for classification of a nonimmigrant described in section 101(a)(15)(P)(i), (ii), or (iii) of the Act: \$2,805.

(8) Petition for classification of a nonimmigrant described in section 101(a)(15)(Q) of the Act: \$2,805.

(9) Petition for classification of a nonimmigrant described in section 101(a)(15)(R) of the Act: \$1,685.

(10) Application for classification of a nonimmigrant described in section 214(e) of the Act: \$2,805.

(11) Petition for classification under section 203(b)(1)(A) of the Act: \$2,805.

(12) Petition for classification under section 203(b)(1)(B) of the Act: \$2,805.

(13) Petition for classification under section 203(b)(2)(A) of the Act not involving a waiver under section 203(b)(2)(B) of the Act: \$2,805.

(14) Petition for classification under section 203(b)(3)(A)(i) of the Act: \$2,805.

(15) Petition for classification under section 203(b)(3)(A)(ii) of the Act: \$2,805.

(16) Petition for classification under section 203(b)(3)(A)(iii) of the Act: \$2,805.

(17) Petition for classification under section 203(b)(1)(C) of the Act: \$2,805.

(18) Petition for classification under section 203(b)(2) of the Act, involving a waiver under section 203(b)(2)(B) of the Act: \$2,805.

(19) Application under section 248 of the Act to change status to a classification described in section 101(a)(15)(F), (J), or (M) of the Act: \$1,965.

(20) Application under section 248 of the Act 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 Act, or to extend stay in such classification: \$1,965.

(21) Application for employment authorization: \$1,685.

(d) *Fee adjustments.* The fee to request premium processing service may be adjusted by notification 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 Act: 15 business days.

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

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

(4) Petition for classification of a nonimmigrant described in section 101(a)(15)(H)(iii) of the Act: 15 business days.

(5) Petition for classification of a nonimmigrant described in section 101(a)(15)(L) of the Act: 15 business days.

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

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

(8) Petition for classification of a nonimmigrant described in section 101(a)(15)(Q) of the Act: 15 business days.

(9) Petition for classification of a nonimmigrant described in section 101(a)(15)(R) of the Act: 15 business days.

(10) Application for classification of a nonimmigrant described in section 214(e) of the Act: 15 business days.

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(11) Petition for classification under section 203(b)(1)(A) of the Act: 15 business days.

(12) Petition for classification under section 203(b)(1)(B) of the Act: 15 business days.

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

(14) Petition for classification under section 203(b)(3)(A)(i) of the Act: 15 business days.

(15) Petition for classification under section 203(b)(3)(A)(ii) of the Act: 15 business days.

(16) Petition for classification under section 203(b)(3)(A)(iii) of the Act: 15 business days.

(17) Petition for classification under section 203(b)(1)(C) of the Act: 45 business days.

(18) Petition for classification under section 203(b)(2) of the Act involving a waiver under section 203(b)(2)(B) of the Act: 45 business days.

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

(20) Application under section 248 of the Act I 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 Act, or to extend stay in such classification: 30 business days.

(21) Application for employment authorization: 30 business days.

(22) For the purpose of this section a business day is a day that the Federal Government is open for business, and does not include weekends, federally observed holidays, or days on which Federal Government offices are closed, such as for weather-related or other reasons. The closure may be nationwide or in the region where the adjudication of the benefit for which premium processing is sought will take place.

(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 of the premium processing timeframe will stop and will recommence with a new timeframe as specified in paragraphs (e)(1) through (21) of this section 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 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 <https://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, or 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.

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§ 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.

The provisions of this part are separate and severable from one another. If any provision is stayed or determined to be invalid, or held unenforceable as to any person or circumstance, the remaining provisions and applications will continue in effect.

PART 109 [RESERVED]

PART 204—IMMIGRANT PETITIONS

Subpart A—Immigrant Visa Petitions

Sec.

- 204.1 General information about immediate relative and family-sponsored petitions.
- 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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- 204.7 Preservation of benefits contained in savings clause of Immigration and Nationality Act Amendments of 1976.
- 204.8 [Reserved]
- 204.9 Special immigrant status for certain aliens who have served honorably (or are enlisted to serve) in the Armed Forces of the United States for at least 12 years.
- 204.10 [Reserved]
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Subpart C—Intercountry Adoption of a Convention Adoptee

- 204.300 Scope of this subpart.
- 204.301 Definitions.
- 204.302 Role of service providers.
- 204.303 Determination of habitual residence.
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- 204.306 Classification as an immediate relative based on Convention adoption.
- 204.307 Who may file a Form I-800A or Form I-800.
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- 204.312 Adjudication of the Form I-800A.
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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:

(1) A citizen or lawful permanent resident of the United States petitioning under section 204(a)(1)(A)(i) or 204(a)(1)(B)(i) of the Act for a qualifying relative'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 must file a Form I-130, Petition for Alien Relative. These petitions are described in § 204.2;

(2) A widow or widower of a United States citizen self-petitioning under section 204(a)(1)(A)(ii) of the Act as an immediate relative under section 201(b) of the Act must file a Form I-360, Petition for Amerasian, Widow, or Special Immigrant. These petitions are described in § 204.2;