

New, higher USCIS fees won't take effect for now

The dreaded USCIS fee increases that were set to take effect in October of 2020 have been postponed for now. On December 28, 2020, the government moved to dismiss its appeal of the court decision that temporarily halted the new fee rule. As a result, the old fees remain in effect.

U.S. Citizenship and Immigration Services (USCIS) published a final rule on August 3, 2020 that would have significantly increased most filing fees. The rule also removed certain fee exemptions, changed fee waiver requirements, increased premium processing time limits, and altered intercountry adoption processing. The changes were set to take effect on October 2, 2020.

The new fee rule was successfully challenged by a coalition of immigrant rights groups. As a result of the challenge, the new fee rule has been enjoined in its entirety, and all of the increased fees, as well as the form and policy changes related to the fee rule, cannot be implemented by USCIS for now. This means that applicants are not required to submit the 10/02/2020 revised versions of Form I-129, Form I-765, Form I-912, and Forms N-600 /N-600A. USCIS issued an update on its website stating that while the rule is enjoined, it will continue to "accept USCIS forms with the current editions and current fees" and "use the regulations and guidance currently in place to adjudicate applications and petitions." This includes accepting and adjudicating fee waiver requests as provided in USCIS's guides for case adjudication.

We strongly suspect that USCIS will continue trying to raise filing fees. For now, however, the major increases that the agency tried to implement are on hold.