

Alert
On Sept. 29, 2020, the U.S. District Court for the Northern District of California in *Immigration Legal Resource Center et al., v. Wolf, et al., 20-cv-05883-JWS*, preliminarily enjoined DHS from implementing or enforcing any part of the [USCIS Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements rule](#).

While the rule is preliminarily enjoined, we 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 under Adjudicator's Field Manual (AFM) Chapters [10.9](#) (PDF, 2.87 MB) and [10.10](#) (PDF, 2.87 MB).

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000



**U.S. Citizenship
and Immigration
Services**

September 2, 2020

PA-2020-13

Policy Alert

SUBJECT: Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements Final Rule

Purpose

U.S. Citizenship and Immigration Services (USCIS) is revising its policy guidance in the [USCIS Policy Manual](#) to align with the Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements Final Rule, published in the Federal Register on August 3, 2020, and effective October 2, 2020.¹

Background

Section 286(m) of the Immigration and Nationality Act (INA) authorizes the Department of Homeland Security (DHS) to charge fees for adjudication and naturalization services at a level to “ensure recovery of the full costs of providing all such services, including the costs of similar services provided without charge to asylum applicants or other immigrants.”² As required by federal law, USCIS conducted a comprehensive biennial fee review and determined that current fees do not recover the cost of providing adjudication and naturalization services.

These updates, contained in Volumes 1, 2, 7, and 11 of the Policy Manual, incorporate the regulatory provisions promulgated by the final rule and are effective as of October 2, 2020, and apply to all applications and petitions postmarked on or after that date.³ USCIS will adjudicate applications or petitions postmarked before the effective date (October 2, 2020) based on the previous policy in effect at the time of filing.

For submissions postmarked on or after that October 2, 2020, USCIS will only accept the 10/02/20 edition of the following new or existing forms:

- Petition for Nonimmigrant Worker: H-1B or H-1B1 Classifications (Form I-129H1)
- Petitions for H-2A and H-2B Workers (Forms I-129H2A and I-129H2B)

¹ See [85 FR 46788](#) (Aug. 3, 2020), as amended by [85 FR 49941](#) (Aug. 17, 2020) (final rule; correction), and [85 FR 53645](#) (Aug. 31, 2020) (final rule; correction).

² See [INA 286\(m\)](#).

³ For applications and petitions that are sent by commercial courier (for example, UPS, FedEx, or DHL), USCIS considers the date on the courier receipt as the postmark date for purposes of filing. USCIS is also making minor technical updates in other Policy Manual parts consistent with this update and the final rule.

- Petition for Nonimmigrant Worker: L Classification (Form I-129L)
- Petition for Nonimmigrant Worker: O Classification (Form I-129O)
- Application for Nonimmigrant Worker: E and TN Classification (Form I-129E&TN)
- Petition for Nonimmigrant Worker: H-3, P, Q, or R Classification (Form I-129MISC)
- Request for Action on Approved Form I-600/I-600A (Form I-600/I-600A, Supplement 3)
- Application for Employment Authorization (Form I-765)
- Request for Fee Waiver (Form I-912)

Once effective, these updates replace Chapters 10.9 and 10.10 of the Adjudicator's Field Manual (AFM), related AFM appendices, and related policy memoranda. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance on the topic.

Policy Highlights

[Volume 1, Part A: Public Services](#)

- Updates the premium processing timeframe from 15 calendar days to 15 business days and explains that the additional fee for this service may be adjusted for inflation according to the Consumer Price Index (CPI) by notice in the Federal Register.
- Provides that USCIS will refund certain premium processing fees if USCIS does not complete the adjudication within the guaranteed timeframe (that is, 15 business days).

[Volume 1, Part B: Submission of Benefit Requests](#)

- Identifies the categories of applicants, petitioners and forms eligible for fee waivers or fee exemptions.
- Explains the eligibility and documentary requirements for fee waivers, including having income at or below 125 percent of the [Federal Poverty Guidelines](#).
- Clarifies that USCIS rejects filings in cases where a check or other financial instrument used to pay a fee is returned as unpayable because of insufficient funds.

[Volume 2: Nonimmigrants](#)

- Explains that, as of October 2, 2020, former Form I-129 is separated into the following forms:
 - Petition for Nonimmigrant Worker: H-1B or H-1B1 Classifications (Form I-129H1)
 - Petitions for H-2A and H-2B Workers (Forms I-129H2A and I-129H2B)
 - Petition for Nonimmigrant Worker: L Classification (Form I-129L)
 - Petition for Nonimmigrant Worker: O Classification (Form I-129O)
 - Application for Nonimmigrant Worker: E and TN Classification (Form I-129E&TN)
 - Petition for Nonimmigrant Worker: H-3, P, Q, or R Classification (Form I-129MISC)

[Volume 7: Adjustment of Status](#)

- Provides that an applicant under the age of 14 years who is filing a concurrent adjustment application with a parent must also submit the fee in the full amount as specified in the form instructions.
- Provides that adjustment applicants who paid a filing fee as a principal applicant for their Application for Asylum and for Withholding of Removal (Form I-589) and were subsequently granted asylum will pay a lower fee for the adjustment application.⁴

[Volume 11, Part A: Secure Identity Documents Policies and Procedures](#)

- Explains that USCIS may use Signature Confirmation Restricted Delivery (SCRD) for mailing secure identity documents such as permanent resident cards, employment authorization documentation, and travel documents to approved applicants (or their designated representative).
- Provides that, in its discretion, USCIS may use SCR D for additional documents (for example, Certificates of Naturalization and Certificates of Citizenship).
- Provides that requestors who are outside the United States are eligible to file an Application for Travel Document (Carrier Documentation) (Form I-131A) if their advance parole document or combo card is lost, stolen, or destroyed while outside the United States.

Citations

Volume 1: General Policies and Procedures, Part A, Public Services [[1 USCIS-PM A](#)]; Part B, Submission of Benefit Requests [[1 USCIS-PM B](#)].

Volume 2: Nonimmigrants [[2 USCIS-PM](#)].

Volume 7: Adjustment of Status, Part A, Adjustment of Status Policies and Procedures [[7 USCIS-PM A](#)]; Part F, Special Immigrant-Based (EB-4) Adjustment [[7 USCIS-PM F](#)]; Part M, Asylee Adjustment [[7 USCIS-PM M](#)].

Volume 11: Travel and Identity Documents, Part A, Secure Identity Documents Policies and Procedures [[11 USCIS-PM A](#)].

⁴ See new [8 CFR 106.2\(a\)\(17\)\(ii\)](#).