



April 1, 2024

PA-2024-07

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 January 31, 2024, and effective April 1, 2024.

Background

[Section 286\(m\)](#) of the Immigration and Nationality Act (INA) authorizes the U.S. 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.” As required by law, USCIS conducted a comprehensive biennial fee review and determined that fees did not recover the cost of providing adjudication and naturalization services.

These updates, contained in Volumes 1, 2, 5, and 7 of the Policy Manual, incorporate the regulatory provisions promulgated by the final rule, effective April 1, 2024, and apply to all applications and petitions postmarked on or after that date.¹

USCIS will adjudicate applications or petitions postmarked before the effective date (April 1, 2024) based on the previous policy in effect at the time of filing. This policy update supersedes the guidance found in 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

¹ 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 uses the postmark date of a filing to determine which form version and fees are correct but uses the receipt date for purposes of any regulatory or statutory filing deadlines. See [8 CFR 103.2\(a\)\(7\)](#). USCIS is also making minor technical updates in other Policy Manual parts consistent with this update and the final rule.

- Identifies the categories of applicants and forms eligible for fee waivers or fee exemptions including temporary fee exemptions and waivers.
- Explains the eligibility requirements for fee waivers, including that an inability to pay can be established by receipt of a means-tested benefit, household income at or below 150 percent of the Federal Poverty Guidelines, or extreme financial hardship.
- Clarifies a requestor must establish eligibility for a fee waiver by a preponderance of the evidence.
- Clarifies a requestor may submit tax returns, a wage and tax statement (Internal Revenue Service Form W-2), or pay stubs to establish household income.
- Clarifies the documentary requirements for humanitarian categories of fee waiver requestors.
- Provides that a parent may use a child's receipt of public housing as proof of inability to pay when the parent resides in the same residence.
- Clarifies when a requestor may qualify for a fee waiver based on financial hardship.
- Clarifies when a request for a fee waiver may be rejected.
- Clarifies that fees paid by credit card are generally nonrefundable, and when a check or other financial instrument used to pay a fee is returned as unpayable because of insufficient funds, USCIS rejects the filing.
- Incorporates limitations on number of beneficiaries for certain employment-based forms.
- Provides that the validity period for an Application for Advance Processing of an Orphan Petition ([Form I-600A](#)) approval is 15 months, aligning with Hague Adoption Convention cases.
- Provides guidance for a new form supplement that prospective adoptive parents may use for requests for action on approved suitability determinations for orphan cases.

Summary of Changes

Affected Section: Volume 1 > Part B, Submission of Benefit Requests

- Adds new Chapters 3 (Fees) and 4 (Fee Waivers and Fee Exemptions) (contains majority of updates to Volume 1, Part B).
- Makes corresponding revisions throughout Chapter 1 (Purpose and Background) and Chapter 6, Section B (Intake Processing), including references and citations.
- Removes Appendix: 2020 Fee Rule Litigation Summary.

Affected Section: Volume 2, Nonimmigrants

- Part E > Chapter 1 (Purpose and Background) and Chapter 3 (Filing and Documentation)
 - Changes “multiple participants” to “up to 25 named participants.”
- Part J > Chapter 3 > Section D, Filing
 - Changes “multiple trainees” to “up to 25 named trainees.”
- Part M > Chapter 7 > Section A, General
 - Changes “more than one O-2 accompanying beneficiary” to “up to 25 O-2 accompanying beneficiaries.”
- Part N > Chapter 3 > Section B, Multiple Beneficiaries
 - Revises paragraph under italicized subheading “P-1 Petition.”

Affected Section: Volume 5, Adoptions > Part B, Adoptive Parent Suitability Determinations

- Chapter 5 > Section B, Validity Periods and Extensions
 - Revises Subsection 2 (Suitability Approval) in its entirety.
- Chapter 5 > Section C, Significant Changes
 - Adds two paragraphs at beginning of Subsection 1 (Significant Change in the PAP’s Household).
 - Revises Subsection 2 (Change of Country) in its entirety.
 - In Subsection 3 (Summary of Change and Update Requirements), revises and combines two existing tables into a single table titled “Suitability-Related Actions.”
- Chapter 5 > Section F, Hague Adoption Convention Transition Cases
 - Adds new section, in its entirety.

Affected Section: Volume 5, Adoptions

- Part C > Chapter 7 > Section A, Filing
 - Revises language and footnote references in first paragraph.
- Part C > Chapter 8 > Section E, Decisions and Actions

- At the beginning of Subsection 6 (Revocation), adds italicized subheading “Automatic Revocation” and new content, followed by new italicized subheading “Revocation on Notice.”
- Part D > Chapter 4 > Section A, Filing
 - Revises language and footnote references in first paragraph.

Affected Section: Volume 7 > Part A, Adjustment of Status Policies and Procedures

- Chapter 3 > Section B, Definition of Properly Filed
 - Revises first bullet point and deletes second.
 - Removes Subsection 2 (Fees) in its entirety and renumbers subsequent subsections.
- Chapter 7 > Section B, Child Status Protection Act Applicability
 - Removes italicized subheading “Certain Preference Applicants with No Adjustment Application Pending on the Effective Date” and paragraph that follows.
- Chapter 8 > Section B, Filing Requirements
 - Revises footnote to Subsection 1 (New Application or Fee Not Required).

USCIS may also make other minor technical, stylistic, and conforming changes consistent with this update.

Citation

Volume 1: General Policies and Procedures, Part B, Submission of Benefit Requests [[1 USCIS-PM B](#)] (Chapters 1, 3, 4, 6).

Volume 2: Nonimmigrants, Part E, Cultural Visitors (Q) [[2 USCIS-PM E](#)] (Chapters 1, 3); Part J, Trainees (H-3) [[2 USCIS-PM J](#)] (Chapter 3); Part M, Nonimmigrants of Extraordinary Ability or Achievement (O) [[2 USCIS-PM M](#)] (Chapter 7); Part N, Athletes and Entertainers (P) [[2 USCIS-PM N](#)] (Chapter 3).

Volume 5: Adoptions, Part B, Adoptive Parent Suitability Determinations [[5 USCIS-PM B](#)] (Chapter 5); Part C, Child Eligibility Determinations (Orphan) [[5 USCIS-PM C](#)] (Chapters 7, 8); Part D, Child Eligibility Determinations (Hague) [[5 USCIS-PM D](#)] (Chapter 4).

Volume 7: Adjustment of Status, Part A, Adjustment of Status Policies and Procedures [[7 USCIS-PM A](#)] (Chapters 3, 7, 8).