

Practice Alert: New Immigration Fees Authorized by the Reconciliation Bill

On July 4, the President signed into law [H.R. 1](#) (Pub. L. 119-21), the budget reconciliation bill called the “One Big Beautiful Bill Act” (OBBBA). Among other immigration-related provisions, the Act includes new fees for various immigration-related applications. These fees are in addition to existing fees. The fees listed are minimum fees that could increase by regulation and annually for inflation. In most instances, the statute specifically states that the fees are not waivable. Fees take effect immediately under the statute; however, there may be delays in collection as the government operationalizes payment and issues guidance.

On July 17, EOIR issued [Policy Memorandum 25-36](#) (amended) on “Statutory Fees under the One Big Beautiful Bill Act” regarding the payment of fees for applications adjudicated at immigration courts. The PM notes that 1) fees imposed by the Act are in addition to existing fees; 2) the Act does not impact where fees are payable; 3) the fees for initial asylum and TPS applications, as well as the annual asylum fee cannot be waived or reduced; but otherwise the validity of the EOIR fee waiver form, EOIR-26A and fee waiver adjudication guidance in PM 21-10 remain unchanged; and 4) EOIR will continue to review its fee on a biennial basis, including the annual inflation adjustment for PL 119-21 fees.

On July 22, a [Federal Register Notice](#) (90 FR 34511, 7/22/25) was published regarding the process to collect some of the fees by USCIS. Specifically, the FRN addresses applications for asylum, employment authorization documents, and temporary protected status, as well as special immigrant juvenile petitions. **These fees will be required as of July 22, 2025.** Forms subject to these new fees postmarked on or after August 21, 2025, will be rejected if they do not include the new fees. Although not clearly stated in the Notice, USCIS will likely issue an RFE for the applicable fees for forms postmarked between July 22 – August 20. USCIS has indicated that the H.R. 1 fees may not be waived or reduced, even if the underlying application fee may be waived. The DHS notice states that other H.R. 1 fees will be implemented after completing additional study and coordinating with other federal agencies. Other fees are not included in the USCIS notice because the fees are administered by another DHS agency or federal agency.¹

Annual Asylum Fee

H.R. 1 imposes an annual asylum fee (AAF) for each calendar year that an asylum application filed with USCIS or DOJ that is pending before “**any** federal agency, court, or

¹ The Federal Register Notice does not address the following fees: 1) parole application fees; 2) visa integrity fees; 3) Form I-94 fees; 4) immigration court filing fees; 5) appeal fees; 6) ESTA fees; 7) EVUS fees; and 8) the penalty for individuals arrested between ports of entry.

entity with jurisdiction over the asylum claims.” The EOIR PM notes that AAF applies to any asylum application pending for more than one year as of a date after the date of enactment of OBBBA but is silent on how it will be implemented. The USCIS FRN only addresses the collection of fees for asylum applications pending at USCIS for more than 1 year. For cases that have been pending with USCIS on or before October 1, 2024, and remain pending on September 30, 2025, the FY 2025 AAF must be paid. For applications pending for more than a year prior to October 1, 2024, additional AAF for years that the application was pending prior to FY 2025 are not required. If a case was filed October 1, 2024, and remains pending for 365 days, the AAF will be due on each anniversary of the case filing.

USCIS will require that AAF be paid using an online fee payment process. USCIS will provide personal, individual notice to each asylum applicant with an application pending with USCIS from whom the AAF is required, the amount of the fee, when the fee must be paid, how the fee must be paid, and the consequences of failure to pay. USCIS will provide guidance for future years’ AAF payments in subsequent guidance.

Pub. L. 119-21 Fee Chart²

Fee Type	Minimum Fee Amount	Fee Waivable per H.R. 1	Fee Waivable According to PM or FRN
<i>Asylum Application</i>	\$100	X	X
• Annual Fee for Pending Application	\$100	X	X
• Initial EAD for Asylum Applicants	\$550	X	X
• Renewal or Extension EAD for Asylum Applicants	\$275	X	X
<i>Parole Applications³</i>	\$1,000	X	TBD
• Initial EAD for Parolees (<i>limited to 1 year</i>)	\$550	X	X

² For more information, the [EOIR PM 25-36](#) and the [July 22 FRN](#) provide charts of the new total fees due, including the new Pub. L. 119-21 fees and the existing filing fees. An [updated G-1055 fee schedule](#) was also published by USCIS on July 22, 2025.

³ Certain case by case exceptions from fee for those who are paroled because of: 1) life threatening medical emergencies where treatment is unavailable in home country for self or parent or legal guardian; 2) urgent organ or tissue donation; 3) family member whose death is imminent; 4) funeral of close family member; 5) adopted child with urgent medical condition; 6) Lawful Permanent Resident (LPR) returning from temporary travel abroad; 7) return from a contiguous country to attend immigration hearing; 8) Cuban or Haitian entrant; assistance with law enforcement matter. Guidance has not yet been issued on the collection of this fee.

Fee Type	Minimum Fee Amount	Fee Not Waivable per H.R. 1	Fee Waivable According to FRN or PM
Renewal, Reparolet or Extension EAD for Parolees (<i>limited to 1 year</i>)	\$275	X	X
Temporary Protected Status (TPS) Application	\$500	X	X
Initial EAD for TPS applicants (<i>limited to 1 year</i>)	\$550	X	X
Renewal or Extension for TPS Holders (<i>limited to 1 year</i>)	\$275	X	X
Special Immigrant Juvenile Application	\$250	☑ ⁴	X
Visa Integrity Fee for Nonimmigrant Visa Issuance⁵	\$250	X	TBD
Form I-94 Application	\$24	X	TBD
Immigration Court Filings			
Adjustment of Status	\$1,500	☑	X
Asylum Application	\$100	X	X
Annual Asylum Fee	\$100	X	X
Waiver of Grounds of Inadmissibility	\$1,050	☑	X
TPS Application	\$500	☑	X
Application for Suspension of Deportation or Cancellation of Removal	\$600	☑	X

⁴ Any fee with a ☑ in this column indicates that the statute did not specifically state that the fee was not waivable.

⁵ DHS may reimburse the fee after visa expiration if the noncitizen demonstrates compliance with visa requirements, including not accepting unauthorized employment; the noncitizen departed the U.S. within 5 days of admission period, or extended or adjusted status during admission.

Fee Type	Minimum Fee Amount	Fee Not Waivable per H.R. 1	Fee Waivable According to FRN or PM
• Cancellation of Removal and Adjustment of Status Application for Certain Non-permanent Residents	\$1,500	✓	X
• Individuals Removed in Absentia	\$5,000	X	TBD
Appeals			
• Immigration Judge Decision (to BIA)	\$900	✓	X
• DHS Officer	\$900	✓	X
• Practitioner Disciplinary Decision	\$1,325	✓	X
• Motion to Reopen or Reconsider IJ or BIA Decision	\$900	✓	X
ESTA Fee for Visa Waiver Applicants	\$40	✓	TBD
EVUS Fee for Chinese B-1/B-2 Visa Holders	\$30	X	TBD
Inadmissible Individuals Arrested between Ports of Entry	\$5,000	✓	TBD