



FAQ on H.R.1 Fees for USCIS and EOIR Benefits

August 2025

On July 4, 2025, the president signed the new budget bill [H.R.1 -119th Congress \(2025-2026\)](#) (H.R.1)¹ that increases the fees for certain immigration benefits and amends the availability of fee waivers in certain instances (Secs 100001-100018).

This resource addresses the following FAQs:

- [When do these new fees go into effect?](#)
 - [What fees are in effect for USCIS benefits?](#)
 - [What happens if I sent an application to USCIS with incorrect fees between July 22, 2025, and Aug. 21, 2025?](#)
 - [What fees are in effect for EOIR benefits?](#)
 - [If there is no way to pay the initial asylum fee, how do I file an asylum application with EOIR?](#)
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- [What is the Annual Asylum Fee \(AAF\) for pending asylum applications?](#)
 - [When is the AAF due?](#)
 - [When is the AAF due for asylum applications filed on or before Oct. 1, 2024?](#)
 - [Do I need to pay the AAF for previous years if the asylum application was filed on or before Oct. 1, 2024?](#)

¹ See also **Public Law No. 119-21 (07/04/2025)**

- [When is the AAF due for asylum applications filed after Oct. 1, 2024?](#)
- [What fees are required when requesting re-parole?](#)
- [Is there an additional fee for filing to adjust status via Form I-485?](#)
- [How do I stay up to date on the implementation of fees outlined in H.R.1?](#)

When do these new fees go into effect?

While the fee increases included in the bill are statutory and effective immediately, both U.S. Citizenship and Immigration Services (USCIS) and the Executive Office for Immigration Review (EOIR) are working to implement them as quickly as possible. There are also some fees outlined in H.R.1 that await further guidance from the Department of Homeland Security (DHS) on how those fees will be applied, calculated, and collected.

1. USCIS Fees:

On July 18, the administration through USCIS [announced](#) that the new fees must be submitted for any benefit request postmarked on or after **July 22, 2025**. However, the announcement goes on to state that any form postmarked on or after **Aug. 21, 2025**, without the proper filing fee will be rejected.²

What happens if I sent an application or petition to USCIS with incorrect fees between July 22 and Aug. 21, 2025?

It is not clear from this announcement or from subsequent guidance how USCIS will treat applications filed with incorrect fees between July 22, 2025, and Aug. 21, 2025. The agency may reject those applications or issue a Request for Evidence (RFE) for the additional fee.

It is best practice to check the current USCIS [fee schedule](#) when filing any application or petition.

2. EOIR Fees:

On July 17, 2024, EOIR issued a new Policy Memo [\(PM\) 25-36](#) stating that all applications without the new fee will be rejected. However, the agency does authorize temporary measures to accept asylum applications while the payment systems are being integrated.

If there is no way to pay the initial asylum fee, how do I file an asylum application with EOIR?

There is no clear guidance yet on the steps that should be taken to pay the H.R.1. asylum application fee. [\(PM\) 25-36 footnote 7](#) states that the immigration courts will “implement

² See also [90 FR 34511](#)

temporary measures — e.g. possibly authorizing provisional acceptance of an application pending the subsequent submission of the fee — to ensure that aliens have an avenue to pay the required fees and submit applications.”

Practitioners are encouraged to inquire about local court practice as CLINIC has received reports that some courts have provided specific interim guidance for accepting asylum applications. Absent further guidance, practitioners are encouraged to file the application with a “Motion to Authorize Provisional Acceptance of the Asylum Application” and cite to the footnote that authorizes temporary acceptance of the application.

3. Fees established by HR 1 that are awaiting further guidance regarding implementation from the Department of Homeland Security.

These fees include:

- “Immigration Parole Fee” — \$1,000 for non-citizens who are paroled into the United States and do not fit within an exception.³
- “Visa Integrity Fee” — \$250 for non-citizens issued a nonimmigrant visa.⁴
- “Form I-94 Fee” — \$24 for submission of an application for Form I-94 Arrival/Departure Record.⁵
- “In Absentia Fee” — \$5,000 for non-citizens who are ordered removed in absentia and later apprehended by US Immigration and Customs Enforcement.⁶
- “Alien Apprehension Fee” — \$5,000 for non-citizens who are apprehended between ports of entry.⁷

What fees were affected and how are they calculated?

The text of H.R.1 provides that the additional amount charged “shall be the greater of” an amount specified as minimum *or* “such amount as the Secretary or the Attorney General, as applicable, may establish, by rule.” In the case of asylum-based EAD renewals, the additional amount is specified as “not less than” the stated minimum. This means that the actual fees can be greater than the minimums set by statute, as long as they are established according to appropriate rulemaking procedures. In addition, H.R.1 provides that the statutory minimum for additional fees may increase each fiscal year according to inflation.

³ H.R.1 § 100004

⁴ H.R.1 § 100007

⁵ H.R.1 § 100008

⁶ H.R.1 § 100016

⁷ H.R.1 § 100017

Both USCIS and EOIR provided notice that they are adding the additional H.R.1 fees to their existing regulatory fees.

1. USCIS Fees

[USCIS announced through a Federal Register](#) Notice (FRN) that it will continue to charge the fees imposed by the agency. The [FRN](#) details what the final fees are for multiple benefit requests.

Fees that apply to USCIS benefit requests:

Benefit Category	Form	USCIS Regulatory Fee	Additional H.R.1 Fee**
Asylum	I-589 (initial)	\$0	\$100
	I-589 (pending)	\$0	\$100 (annual fee)
Temporary Protected Status	I-821 – Initial TPS Registration	\$30 (biometrics fee) ***	\$500
Special Immigrant Juvenile Status	I-360	\$0	\$250
Employment Authorization	I-765 – Initial for: <ul style="list-style-type: none"> • (c)(8) Asylum applicant • (a)(4) Paroled Refugee 	\$0	\$550
	I-765 – Initial for: <ul style="list-style-type: none"> • (c)(11) for 212(d)(5)(A) Parole ⁸ • (a)(12) or (c)(19) TPS 	Paper Filing: \$520* Online Filing: \$470*	\$550

⁸ MMVI current or former service members, special processes for paroled Ukrainians: \$0

	I-765 – Renewal for <ul style="list-style-type: none"> • (c)(8) Asylum applicant • (c)(11) for 212(d)(5)(A) Parole 	Paper Filing: \$520* Online Filing: \$470*	\$275
	I-765 – Renewal (a)(4) Paroled Refugee	\$0	\$275
	I-131 – Employment Authorization Upon Issuance of New Period of Parole	Paper Filing: \$1,150* Online Filing: \$1,050* Military PIP for family of service members: \$520* MMVI, FRTF, Military PIP for current or former service members: \$0	\$275

* Fee Waiver Available

** No Fee Waiver Available – USCIS has taken the stance that none of the H.R.1 fees are eligible for a fee waiver. For more information see question below

*** TPS fee H.R.1 removed \$50 and put in the \$500 so the \$30 is waivable and paid separately from the \$500

2. EOIR Fees

EOIR announced in [\(PM\) 25-36](#) that it will continue to charge regulatory fees imposed by the agency at [8 CFR § 1103.7](#). The PM details what the final fees are for multiple benefit requests and states that where there are inconsistencies between the regulations and H.R.1, the regulations are superseded by statute. Additionally, EOIR will conduct a future rulemaking to conform its regulations to H.R.1.⁹

Fees that apply to EOIR benefit requests (not including fees for biometrics):

Benefit Category	Form	EOIR Regulatory Fee	Additional H.R.1 Fee
Asylum	I-589 (initial)	\$0	\$100**
	I-589 (pending)	\$0	\$100 (annual fee)**
Temporary Protected Status	I-821 – Initial TPS Registration	\$0	\$500**
Adjustment of Status	I-485 – Application for Adjustment of Status	Varies*	\$1,500*
	I-601– Waiver of Inadmissibility	\$1050*	\$1,050*
Cancellation of Removal	LPR Cancellation of Removal EOIR– 42A	\$100*	\$600*
	Non-LPR Cancellation of Removal EOIR– 42B	\$100*	\$1,500*
Suspension of Deportation	Form I-881	\$100*	\$600*
Appeals and Motions	Appeal of Immigration Judge (IJ) decision (EOIR-	\$110*	\$900*

⁹ See PM 25.36 Footnote 7.

	26) (Does not apply to bond appeals)		
	Appeal of DHS decision (EOIR-29)	\$110*	\$900*
	Motions to Reopen or Reconsider of IJ Decisions	\$145***	\$900***
	Motions to Reopen or Reconsider Board of Immigration Appeals (BIA) decisions	\$110*	\$900*

* Fee Waiver Not Prohibited.¹⁰

** No Fee Waiver Available

*** Motions to reopen an in absentia removal order filed in accordance with INA § 240(b)(5)(C)(ii) (notice requirement was not met or in custody and absence through no fault of their own); or motions to reopen an in absentia deportation order filed in accordance with former INA § 242B(c)(3)(B) (prior to April 1, 1997). Note that those who are filing a motion to reopen an in-absentia removal order in accordance with INA § 240(b)(5)(C)(i) must pay the H.R.1 fee.

Are these new fees eligible for a fee waiver?

Many of the fee provisions of H.R.1 specifically state they “shall not be waived or reduced.”¹¹ Therefore, applicants cannot waive many of the fees imposed by H.R.1. However, it is still possible to waive the regulatory fee if a fee waiver was previously allowed. It is important to note that the previous fee for TPS was set and amended by statute and now includes the language prohibiting a waiver or reduction in

¹⁰ See answer to “[Are these fees eligible for a fee waiver?](#)” question below. H.R.1 does not alter EOIR’s rule that “[n]o [fee] waiver may be granted with respect to the fee prescribed for a Department of Homeland Security form or action that is identified as non-waivable in regulations of the Department of Homeland Security.” 8 C.F.R. § 1103.7(c). Thus, in certain circumstances EOIR may not waive fees for a Form I-485 or a Form I-601. See 8 C.F.R. §§ 106.3(a)(3)(iv)(C), (D). (Subject to a fee waiver only is exempt from the public charge grounds of inadmissibility).

¹¹ H.R.1 §§ 100002 (asylum fee), 10003 (employment authorization fees), 100004 (Parole Fee), 100006 (TPS fee), 100007 (Visa Integrity Fee), 100008 (I-94 fee), 100009 (Annual asylum fee), and 100010-12 (fees related to renewal or extensions of employment authorization for certain categories).

fee. Therefore, TPS does not have a regulatory fee that allows a fee waiver by USCIS or EOIR.¹²

1. USCIS Fees

There is one fee where the “shall not be waived or reduced” language is not present related to USCIS fees. Specifically, the provision establishing additional fees for Special Immigrant Juveniles (SIJ).¹³ However, [DHS takes the position](#) that language stating the Secretary “shall require payment of a fee” in that section does not allow discretion for waiver. Accordingly, [USCIS states](#) that they “**cannot** waive any fees required by H.R.-1.” Even if the application did not previously require a regulatory filing fee, or you have applied for a fee waiver, the applicant must pay any new fee mandated by H.R.1.¹⁴

2. EOIR Fees

EOIR [PM 25-36](#) states that, per H.R.1, the fees for initial asylum filing, the annual asylum fee and the TPS fee cannot be waived. EOIR continues to not be able to grant a fee waiver “with respect to the fee prescribed for a [DHS] form or action that is identified as non-waivable in regulations of [DHS]” per 8 C.F.R. § 1103.7(c). Which would (currently) apply only to certain applications for adjustment of status (I-485) and Waivers of Inadmissibility (I-601).¹⁵ EOIR is silent in the PM on the ability to waive any other fee (both regulatory fees or other H.R.1 fees).

Until EOIR clearly explains whether it will allow other fees to be waived, applicants can still ask for a fee waiver when they file. However, practitioners should keep in mind that adjudicators may consider how the fee waiver request reflects on the merits of the underlying application for relief, such as when an applicant is claiming to be a primary source of financial support for family members in the United States. Practitioners should also counsel clients to be prepared to pay the full fee if the waiver request is denied.¹⁶

¹² [90 FR 34515](#)

¹³ H.R.1 § 100005.

¹⁴ While fee waivers are not available for H.R. 1 fees, note the existence of *exceptions* to fee applicability for certain categories of parole. See H.R. 1 Sec. 100004(b), (f) (exempting certain applications for parole); H.R. 1 Secs. 1000013(d)(3) (exempting appeals from bond decisions) and (g)(3) (exempting certain motions following orders entered in absentia). Note also that “visa integrity fees” cannot be waived but may be *reimbursed* in certain circumstances. See H.R. 1 Sec. 100007(b).

¹⁵ HR1 does not alter EOIR’s rule that “[n]o [fee] waiver may be granted with respect to the fee prescribed for a Department of Homeland Security form or action that is identified as non-waivable in regulations of the Department of Homeland Security.” 8 C.F.R. § 1103.7(c). Thus, in certain circumstances EOIR may not waive fees for a Form I-485 or a Form I-601. See 8 C.F.R. §§ 106.3(a)(3)(iv)(C), (D). (Subject to a fee waiver only is exempt from the public charge grounds of inadmissibility).

¹⁶ For requests for fee waiver that have been denied by the adjudicator at EOIR or BIA the applicant will have a 15-day grace period to pay the fee, by regulation and as noted in EOIR and BIA’s respective policy manuals.

How are these new fees paid?

1. Payments to USCIS

When filing any USCIS immigration benefit on or after Aug. 21, 2025, you must include two separate payments: one for the regular USCIS filing fee and one for the new H.R.1 fee.¹⁷

Begin by confirming the correct amounts for both the standard fee and the H.R.1 fee using the [USCIS Fee Schedule \(Form G-1055\)](#). If filing by mail inside the United States, each payment must be made separately and made payable to “U.S. Department of Homeland Security.” Write clearly the form number and fee type in the memo lines (e.g., “I-589 USCIS fee” and “I-589 HR 1 fee”). You may pay using personal check, money order, or Form G-1450 for credit or debit card payments, but if using G-1450, you must submit a separate form for each fee. Never combine the two fees with one check or card payment, or your filing may be rejected. If filing online through a USCIS account, the system will automatically split the two fees during the checkout process.

For filings from outside the United States, follow the payment instructions provided by the U.S. embassy or consulate, which may involve Pay.gov, local bank payments, or consular cashier’s offices, but still require two distinct payments. Before mailing your application, double-check that both payments are present, correctly addressed, properly labeled, and not stapled or clipped to the forms.

Remember that even if you qualify for a fee waiver using Form I-912, it only applies to the USCIS filing fee, and USCIS [has stated](#) that the H.R.1 fee cannot be waived under any circumstances.¹⁸ Finally, if you are filing multiple forms, such as an I-589, I-765, and I-131, each one must have its own separate payments for both the regular and H.R.1 fees. Failure to follow these rules will result in rejection of your application.

Step 1 – Identify Your Form & Fees

1. Look up:
 - Regular USCIS filing fee (may be waivable with I-912 in some cases)
 - H.R.1 surcharge (mandatory; *no waiver*)
2. Confirm each fee amount in the [USCIS Fee Schedule \(Form G-1055\)](#).

¹⁷ [90 FR 34511](#). For instructions on how USCIS determines the date for form versions, filing fees and what counts as submission see USCIS Policy Manual Volume 1: General Policies and Procedures, Part B, Submission of Benefit Requests, Chapter 6, Submitting Requests [[1 USCIS-PM B.6](#)]. Note that this section was [modified](#) on August 21, 2025 to clarify these specific questions in light of H.R.1.

¹⁸ *Id* at FN 17 (while most USCIS fees prohibit a fee waiver by statute, the agency has decided that the prohibition applies to the SIJ fee as well).

Step 2 – Prepare Two Separate Payments

USCIS filing fee paid by mail inside the United States

- Payable to: U.S. Department of Homeland Security
- Memo: Form # – USCIS fee (e.g., “I-589 USCIS fee”)
- Method: Check, money order, or Form G-1450 (credit/debit)

H.R.1/BUB fee paid by mail inside the United States

- Payable to: U.S. Department of Homeland Security
- Memo: Form # – H.R.1 fee (e.g., “I-589 H.R.1 fee”)
- Method: Check, money order, or Form G-1450 (credit/debit)

Do not combine the two fees with one check. Use separate G-1450 forms if paying both fees by card.

If paying online through a USCIS account, pay both fees at checkout. The system should process the payments into two separate charges.

1. Payments to EOIR and the BIA

To file a form to EOIR after H.R.1 became effective, you must pay two components: the existing regulatory filing fee under [8 CFR § 1103.7](#) and the new H.R.1 fee. [Payments must be made in advance to DHS](#) – not to EOIR directly.

Step One – Figure out the correct fees

1. Check the EOIR fee schedule in 8 CFR § 1103.7 or the form’s instructions.
2. Confirm the correct amounts for both the standard EOIR fee and the H.R.1 fee using the [USCIS Fee Schedule \(Form G-1055\)](#).
3. For fees that allow a fee waiver, you can request a fee waiver using Form EOIR-26A.

Step Two – Pay for the EOIR form/motion fee and H.R.1 fee through the appropriate payment channel.

1. EOIR forms and motions filed with the Immigration Judge can be paid at a USCIS field office cashier (or occasionally an ICE ERO office, if instructed).

2. For BIA appeals or motions, use the [EOIR Payment Portal / Pay.gov](#), print and save your payment receipt and include it when you file with the BIA (via ECAS or paper).
3. EOIR does not accept cash, checks, or credit cards directly at the Immigration Courts. You must use Form G-1450 (for credit card payment) or a check/money order payable to "U.S. Department of Homeland Security."
4. Pay the H.R.1 fee and the EOIR form or motion fee separately. USCIS will give you a payment receipt notice for applications and motions.

Step Three – File the payment receipt with EOIR

1. Submit the original EOIR form and the USCIS payment receipt to the immigration court or BIA. Do not send the actual payment to the court, only the receipt.
2. Always confirm the required fees and include the receipts in your EOIR filing to avoid rejection or later fee demands.

What is the Annual Asylum Fee (AAF) for pending asylum applications?

Under H.R.1, an annual fee must be paid for each calendar year that an asylum application remains pending with USCIS or EOIR. This fee is separate from the initial filing payment. There is no fee waiver available.¹⁹

1. When is the AAF due?

USCIS will send individual notices to applicants as their AAF due date approaches, providing details on the fee amount, payment deadline, payment methods, and the consequences of non-payment.²⁰ Although USCIS has not yet provided detailed guidance on the payment process, it has stated that the AAF must only be paid online only.²¹

Maintaining an up-to-date address with the appropriate adjudicating office is recommended to help ensure receipt of any correspondence from USCIS.

2. When is the AAF due for asylum applications filed on or before Oct. 1, 2024?

Asylum applicants who file their applications with USCIS before or in the beginning of fiscal year 2025 (which began Oct. 1, 2024) and whose applications are still pending with USCIS at the end of fiscal year 2025 (Sept. 30, 2025), must pay the \$100 fiscal year 2025

¹⁹ H.R.1 §100009.

²⁰ [90 FR 34512](#).

²¹ [90 FR 34512](#).

amount specified by statute. Applicants must also pay the AAF as of Sept. 30 in each subsequent year that the application remains pending with USCIS.²²

3. Do I need to pay the AAF for previous years if the asylum application was filed on or before Oct. 1, 2024?

No. For applications pending for more than a year prior to Oct. 1, 2024, H.R.1. does not require any additional AAF for the years that the application was pending prior to fiscal year 2025.²³

4. When is the AAF due for asylum applications filed after Oct. 1, 2024?

Asylum applications filed after Oct. 1, 2024, that remain pending with USCIS for 365 days must pay the AAF as of the one-year anniversary of the filing date and each year thereafter that the application remains pending on such day of the calendar year.²⁴

What fees are required when requesting re-parole?

H.R.1 created a statutory fee for parole of \$1,000 for “any” non-citizen “who is paroled into the United States.”²⁵ It is unclear whether DHS or their agencies will apply this provision to re-parole. If they do, re-parole will have an additional H.R.1 fee of \$1,000, unless the individual fits within the enumerated [exceptions](#) in the statute.²⁶

Until USCIS provides additional guidance on how the parole fee will be applied to those seeking re-parole and/or employment authorization are as follows:

Re-parole (until they issue a new FRN incorporating the H.R.1 fees):

- Paper filing: \$630 (regulatory fee only, waivable)
- Online filing: \$580 (regulatory fee only, waivable)

Re-parole requesting EAD as part of I-131 ([unless the proposed new form becomes effective](#)):

- Paper filing: \$630 (regulatory fee for re-parole, waivable) + \$520 (regulatory fee for EAD, waivable) + \$275 (statutory fee for EAD, not waivable).
- Online filing: \$580 (regulatory fee for re-parole, waivable) + \$470 (regulatory fee for EAD, waivable) + \$275 (statutory fee for EAD, not waivable).

²² [90 FR 34515](#).

²³ *Id.*

²⁴ *Id.*

²⁵ H.R. 1 §100004(a)

²⁶ H.R.1 § 100004(b)

EAD separately, once re-parole is granted:

- Paper filing: \$520 (regulatory fee, waivable) + \$275 (statutory fee, not waivable)
- Online filing: \$470 (regulatory fee, waivable) + \$275 (statutory fee, not waivable)

Is there an additional fee for filing to adjust status via Form I-485?

That depends on whether the adjustment of status is affirmative or defensive. Section 100013 of H.R. 1 provides for an additional fee of \$1,500 for I-485 applications that are filed with, or adjudicated in, **the immigration court (EOIR)**. So, in addition to current fees, a defensive I-485 will require an additional fee, paid at the time of filing or prior to adjudication.

For applications I-485 filed with USCIS and adjudicated affirmatively, H.R.1 does not impose an additional fee.

How do I stay up to date on the implementation of fees outlined in H.R.1?

To get the most up to date information, subscribe to CLINIC's [Topline Immigration Policy Updates](#) (TIPs).

Check out CLINIC's latest resources on responding to recent policy changes [here](#).

CLINIC Affiliates should also receive a monthly email update highlighting the most recent resources. In order to ensure you receive all of the latest updates, trainings, resources, and newsletters from CLINIC, make sure you're [subscribed to our MailChimp](#).

Additionally, do not forget to use your Affiliate benefits to ask specific questions or to receive advocacy support:

[Ask the Experts](#)

- Ask your immigration legal questions (including questions about how to calculate these new fees) from Monday to Friday on a wide range of topics that include family-based immigration, naturalization, inadmissibility and deportability, TPS, DACA, VAWA and U visa, and relief from removal.

[Case Escalation](#)

- If you are receiving rejections of filings after following all instructions provided by USCIS or EOIR, CLINIC's Case Escalation Services is a last resort for CLINIC affiliates in resolving issues with cases after all other strategies have been exhausted.

Affiliate Support Form

- Ask your program management questions Monday to Friday on a wide range of topics including DOJ Recognition and Accreditation, case management, policies and procedures, and general affiliate questions.
- When in doubt, feel free to reach out through the Affiliate Support Form as we can help you route your question to the proper subject matter expert.