



Practice Pointer:

USCIS Transition to Electronic Payments



Introduction

Beginning Oct. 28, 2025, U.S. Citizenship and Immigration Services (USCIS) will be changing the forms of acceptable payment. USCIS will default to electronic payments and generally will not accept paper-based forms of payment, such as checks or money orders, unless an exception is granted. After this date, USCIS will accept electronic payment in the form of either: (1) Automated Clearing House (ACH) transfer (i.e. electronic funds transfer), or (2) by debit, credit, or pre-paid card from U.S. bank accounts. For online filings, the system will prompt for entry of necessary information. For mailed filings, payment will be made using either Form G-1650 (for ACH Payments) or Form G-1450 (for card payments). There are limited exceptions available to request paper-based payment using Form G-1651.

These changes are pursuant to [USCIS Policy Alert 2015-19](#), “Transition to Electronic Payments” [hereinafter “Policy Alert”]. This Policy Alert is in compliance with [Executive Order 14247](#), “Modernizing Payments To and From America’s Bank Account,” signed March 25, 2025 [hereinafter “executive order”].

This practice pointer will help immigration legal service providers (ILSPs) prepare for this change by detailing how to make electronic payments and warning of the pitfalls that can lead to USCIS rejecting an application for lack of payment. For ILSPs that may wish to make payment on behalf of clients for their ease and to ensure payments are not rejected, this practice pointer provides an overview of how ILSPs can ensure compliance with relevant ethical rules regarding holding client funds.

Throughout this practice pointer, we will use the example of filing by mail Form I-485, Application for Adjustment of Status (filing fee: \$1,440), concurrently with Form I-765, Application for Employment Authorization (filing fee: \$260), and Form I-131, Application for Advanced Parole (filing fee: \$630). Please note the fees listed are the fees for each application as of the date of this article; confirm current fees using the [USCIS Fee Schedule](#).

CLICKABLE OUTLINE

SECTION HIGHLIGHTS

I. General Issues	• These issues apply to all electronic payments.
A. U.S. Bank Accounts Only	• Payments may only be made from U.S. bank accounts.
B. Payment Form on Top	• The payment form must be placed on top of the application packet.

<u>C. Splitting Payments</u>	<ul style="list-style-type: none"> • Payments cannot be split between methods; payments may be split between multiple cards; it is unclear whether payments can be split between multiple ACH transfers.
<u>D. Multiple Applications Simultaneously</u>	<ul style="list-style-type: none"> • If submitting multiple applications simultaneously, there must be a separate form for each application.
<u>E. The Danger of Rejected Filings</u>	<ul style="list-style-type: none"> • If electronic payment is rejected for any reason, or an exception request is denied, USCIS will reject the application for lack of payment. Practitioners should take specific care with cases involving deadlines or backlogged priority dates.
<u>1. Advising Clients Regarding Insufficient Funds</u>	<ul style="list-style-type: none"> • Practitioners should ensure clients understand the importance of sufficient funds remaining in the account until USCIS processes payment.
<u>II. Payment Options</u>	<ul style="list-style-type: none"> • Payment may be made by ACH transfer or by card; limited exceptions allow for paper-based payment.
<u>A. Making Payment by ACH Transfers</u>	<ul style="list-style-type: none"> • Use Form G-1650 for paper filings.
<u>1. Declined Payments</u>	<ul style="list-style-type: none"> • USCIS will make one additional attempt for declined payments based on insufficient funds; additional attempts will not be made for declined payment for any other reason, and the application will be denied for lack of payment.
<u>a. ACH Debit Blocks</u>	<ul style="list-style-type: none"> • Be sure to remove ACH debit blocks or application will be denied for lack of payment.
<u>2. Required Information on Form G-1650</u>	<ul style="list-style-type: none"> • This section details all required information to avoid rejection.
<u>B. Making Payment by Card: Debit, Credit, or Pre-Paid Cards</u>	<ul style="list-style-type: none"> • Use Form G-1450 for paper filings.
<u>1. Declined Payments</u>	<ul style="list-style-type: none"> • USCIS will not make any additional attempts if payment is declined for any reason and the application will be denied for lack of payment.
<u>2. Required Information on G-1450</u>	<ul style="list-style-type: none"> • This section details all required information to avoid rejection.

<u>3. Logistics of Pre-Paid Cards</u>	<ul style="list-style-type: none"> Pre-paid cards can be bought at retail stores or online; per-transaction load fees may require buyers to complete multiple load transactions or purchase multiple cards. There are purchase and load fees.
<u>C. Exceptions</u>	<ul style="list-style-type: none"> There are four exceptions that allow a payor to pay using paper-based payments.
<u>1. General Information</u>	<ul style="list-style-type: none"> Use Form G-1651 to request an exception; this form has not yet been released.
<u>2. Advising Clients of Risks</u>	<ul style="list-style-type: none"> The exceptions categories are vague; practitioners should explain to clients the risk of a denied exception request which will result in a rejected application.
<u>3. Exception Categories</u>	
<u>a. Individuals who do not have access to banking services or electronic payment systems</u>	<ul style="list-style-type: none"> What constitutes “access” is vague.
<u>b. Electronic disbursement would cause undue hardship per 31 CFR 208.4</u>	<ul style="list-style-type: none"> What constitutes “undue hardship” as well as sufficient “mental impairment” or “remoteness of geographic location lacking infrastructure to support electronic financial transactions” is vague and the method to request this exception is unclear.
<u>c. National security or law enforcement related activities</u>	<ul style="list-style-type: none"> It is unlikely that USCIS would permit this exception without a government entity validating the relation to a national security or law enforcement activity.
<u>d. Other circumstances determined by the Secretary of the Treasury</u>	<ul style="list-style-type: none"> No additional regulation or guidance has been issued based on this exception category.
<u>III. Assisting Clients in Filing Fee Payments</u>	<ul style="list-style-type: none"> For client ease and to ensure payment is not rejected, an ILSP may decide to make payment on behalf of clients using their own bank account or card.
<u>1. Ethical Rules</u>	<ul style="list-style-type: none"> Ethical rules require that attorneys hold unearned client funds, including filing fees, in separate client trust accounts.

B. Basics of Client Trust/IOLTA Accounts

- ILSPs should set up a client trust fund account and process consistent with ethical rules of their state if they intend to hold client funds for USCIS filing payments.

1. ILSP Organizations With No Attorneys on Staff

- DOJ-Accredited Representatives can follow the spirit of the rule by creating non-IOLTA trust accounts.

C. Alternatives to Client Trust Accounts

- If organizations do not wish to open IOLTA accounts, they can either pre-pay client fees and seek reimbursement for clients or have clients purchase pre-paid cards.

I. General Issues

Regardless of the payment method, there are several matters that apply to all electronic payment methods.

A. U.S. Bank Accounts Only

Only electronic payments from U.S. bank accounts will be accepted; if a payor currently has only a foreign bank account or cards linked to foreign bank accounts, they must either: (1) transfer funds from that foreign account into a U.S. bank account (either their own or someone else's) to make an ACH or card payment, or (2) obtain a pre-paid card that is linked to a U.S. bank account. Details regarding the logistics of using a pre-paid card are discussed below in [Section II\(B\)\(3\)](#).

B. Payment Form on Top

For mailed filings, the relevant form (G-1650, G-1450, or G-1651) must be placed on top of the application package; it should be the first thing that USCIS sees when opening the mailing, even before the cover letter.

C. Splitting Payments

Payment cannot be split between payment methods. For example, if submitting Form I-485 with a filing fee of \$1,440 fee, the payor cannot submit a G-1650 for an ACH transfer of \$720 and a G-1450 for a credit card payment of \$720. However, the [USCIS Website, Pay With a Credit Card by Mail](#), does make clear that a payor can submit multiple G-1450 forms to split the payment between different cards. For example, a

payor can submit two G-1450s, each in the amount of \$720, from two different cards.¹ The Policy Alert and accompanying instructions for the new Form G-1650 do not contain any information as to whether a payor can submit two G-1650s in the amount of \$720 so that two ACH transfers are made from two different bank accounts. CLINIC advises that practitioners attempt to submit only one G-1650 for each application from an account with sufficient funds until USCIS clarifies whether multiple G-1650s can be used to split payment.

D. Multiple Applications Simultaneously

If multiple benefit requests are submitted at the same time, there must be a separate payment form for each submission. For example, if an applicant is concurrently submitting Form I-485 (filing fee: \$1,440) concurrently with Form I-765 (filing fee: \$260) and Form I-131 (filing fee: \$630), the payor **cannot** submit one G-1650 in the amount of payment \$2,330. Rather, payment for each fee must be on separate forms: one form for the \$1,440 filing fee, one form for the \$260 filing fee, and one form for the \$630 filing fee. If paying by card, payment for any filing fee can be split as noted in [Section I\(C\)](#) above.

While the instructions on the [USCIS Website, Pay With a Credit Card by Mail](#), have not been updated since the release of the Policy Alert, the current instructions regarding splitting a card payment and paper payment may be instructive for how USCIS will consider splitting a card payment and an ACH payment. Currently, if an applicant who is filing multiple applications wishes to split payment between card and check, they must submit two separate mailings — one mailing with the applications to be paid by card with a G-1450 for each payment and one mailing with the applications to be paid by check with a separate check for each payment. USCIS may apply a similar rule to electronic payments, requiring a payor to use the same payment method per mailing. For example, a single mailing with a G-1450 to pay filing fee for the I-485 and two G-1650s to pay the filing fees for the I-765 and I-131 may be prohibited. Rather, USCIS may require all three applications to be paid for with either forms G-1450 or G-1650 or be sent via separate mailings. Until USCIS provides further guidance, practitioners should assume that such a rule will apply and use either the same payment method for all applications being filed together or mail separately. Separate mailing does come with its own detriments, such as the additional cost of each mailing and the risk that a collateral application is received by USCIS before the primary application, resulting in rejection of the collateral application.

¹ For ease of understanding, this example split payment exactly in half, but payments can be split in any amount — for example, \$940 and \$500.

E. The Danger of Rejected Filings

As discussed in further detail throughout this practice pointer, there are multiple reasons that an electronic payment or exception request can be rejected or denied, including declined payments, failure to include all required information on the forms, and denial of an exception request under the vague exception categories. In such cases, USCIS will reject the filing for lack of payment. For applications with deadlines or backlogged priority dates, it is especially important to ensure that payment or an exception request will not be rejected or denied. Pay close attention to the reasons for rejection or denial discussed throughout this practice pointer to avoid them where possible.

1. Advising Clients Regarding Insufficient Funds

One reason for rejection is a denial by the payor's bank for lack of funds. Often, ILSP clients live on tight budgets. USCIS may take several weeks to process payment on application filing fees. Because of this, practitioners may worry that a client will not be able to keep adequate funds in the account used on the G-1650 or G-1450, resulting in rejection of an application for lack of payment. The best work-around for this is to have the client buy a pre-paid card. This is similar to clients obtaining a money order, as the client must have the existing funds to purchase the pre-paid card. However, unlike with money orders, practitioners cannot take the pre-paid card from the client, as that would constitute holding client funds and there are specific rules about how to hold client funds. See Section III for details. As such, clients could choose to spend money from the pre-paid card before the USCIS filing fee is processed. If you have ever been in a desperate financial situation, you may understand why a client would use funds that they know they have access to even if they know those funds are designated for something else. Advising clients on the importance of avoiding application rejection for insufficient funds — particularly when deadlines or backlogged priority dates are involved — may help ensure they maintain the required balance until USCIS processes the fee. One way practitioners may be able to help clients is to offer them the option of writing the amount of the pending USCIS payment on a sticker or masking tape for the client to place directly on the card used for payment so they don't forget which card is reserved for these funds and the amount they need to keep available.

II. Payment Options

A. Making Payment by ACH transfers

While USCIS has accepted card payments for several years, payment by ACH is a new process created pursuant to this Policy Alert. Although the Policy Alert contains

guidance, there are still information gaps regarding ACH payments. Practitioners should continue to monitor for new or updated guidance from USCIS.

For paper filings, applicants must submit Form G-1650 to authorize an ACH payment. For online filings, the system will prompt the entry of ACH transfer information.

1. Declined Payments

If an initial ACH withdrawal request is denied based on insufficient funds, USCIS will make **one** additional attempt to complete an ACH withdrawal; if the second attempt is denied for insufficient funds, USCIS will reject the application for lack of payment. It is important to ensure that sufficient funds remain in the account until the transfer is completed. If a practitioner is submitting an ACH request from a client's account, the practitioner should advise the client of this (see [Section I\(E\)](#) above).

USCIS will **not** make additional attempts to complete an ACH withdrawal for any reason other than insufficient funds; rather, the filing will be immediately rejected for lack of payment. It is important to ensure that there is no other reason within the payor's control that an ACH transfer will be denied.

a) ACH Debit Blocks

Many bank accounts have ACH debit blocks. Prior to submitting form G-1650, the account owner should contact their bank to either remove the ACH block entirely or permit an ACH withdrawal from the Department of Homeland Security. If an ACH withdrawal is denied due to an ACH block on the account, USCIS will reject the filing for lack of payment.

2. Required Information on Form G-1650

Failure to include all required information on the G-1650 will also result in USCIS rejecting the application for lack of payment. The information required is as follows:

- 1) Provide the full legal name of the applicant/petitioner/requestor.
- 2) Check one box to identify whether the account is "personal" or "business."
- 3) Check one box to identify whether the account is "checking" or "savings."
- 4) List the correct filing fee amount in "Authorized Payment Amount" box.
 - a) CLINIC advises that practitioners attempt to submit only one G-1650 from an account with sufficient funds for each application until USCIS clarifies whether multiple G-1650s can be used to split payment.
- 5) List the correct routing number in the "Routing Number" box.
- 6) List the correct account number in the "Account Number" box.

Based on the G-1650 instructions, the name of the account holder, business, and/or bank are not required. However, CLINIC suggests that practitioners include this information where available. In some circumstances, the requested information will not be applicable, and these sections can be left blank.

B. Making Payment by Card: Debit, Credit, or Pre-Paid Cards

USCIS has accepted card payments (debit, credit, or pre-paid) for several years. For paper filings, applicants must submit Form G-1450 to authorize a card payment. For online filings, applicants will be prompted to enter their card information.

1. Declined Payments

USCIS will **not** make **any** additional attempts to complete a card payment; if a card payment is denied for any reason, including insufficient funds, the filing will be rejected for lack of payment. It is important to ensure that sufficient funds remain in the account until the transfer is completed as well as to ensure there is no reason a card payment will be denied. If a practitioner is using a card tied to a client's account, the practitioner should advise the client of this (see [Section I\(E\)](#) above).

2. Required Information on G-1450

Failure to include all required information on the G-1450 will result in USCIS rejecting the application for lack of payment. Although the form consistently refers to "credit card," a credit, debit, or pre-paid card can be used, and you should input the information for whichever card type being used. The information required is as follows:

- 1) Provide the full legal name of the applicant/petitioner/requestor.
- 2) Provide the full name of the card holder as it appears on the card.
 - a) For pre-paid cards, there is often no name associated with the account, CLINIC suggests listing the name of the buyer.
- 3) List the correct card number.
- 4) List the correct card expiration date.
- 5) List the correct filing fee amount in "Authorized Payment Amount" box.
 - a) A payor can split the payment between multiple cards by filing multiple G-1450s with filing fee amounts that add up to the correct filing fee; note that payors **cannot** split payments between ACH and card payment.

3. Logistics of Pre-Paid cards

Pre-paid cards are the option most similar to a money order. Some aspects of using a pre-paid card are easier than using a money order, while other aspects provide different complications to overcome.

Pre-paid cards can generally be purchased at most retail stores such as grocery stores, pharmacies, and convenience stores. Each card costs approximately \$4 to \$7. However, pre-paid cards purchased at retail stores usually have a per-transaction load limit, often of either \$500 or \$1,000. This means that at the time of purchase, the buyer may only place up to that amount onto the card. For filing fees that are greater than the per-transaction load limit, the buyer can simply purchase multiple pre-paid cards that total the filing fee amount. Alternatively, funds can usually be added to the pre-paid card in separate load transactions; generally, pre-paid cards allow for up to three load transactions per day. The buyer can simply perform additional load transactions until the filing fee amount has been added to the card. Each load transaction typically has a fee of \$3 to \$5.

For example, to pay the \$1,440 filing fee for the I-485, a buyer has two options:

- (1) Purchase three separate pre-paid cards, two in the amount of \$500 and one in the amount of \$440. Three separate G-1450s would be submitted; one for each card, or
- (2) Purchase a pre-paid card and load it with \$500. They could then perform a second load transaction of \$500 followed by a third load transaction of \$440. One G-1450 would be submitted for the full amount of \$1,440.

Pre-paid cards can also be purchased from some banks. Often, the load limit on pre-paid cards from banks is higher than it is from retail stores, meaning that the buyer may be able to add the full amount of the filing fee onto the pre-paid card in one transaction. However, the per-transaction load fees are often higher. Note that not all banks offer pre-paid cards for all circumstances. For example, while JP Morgan Chase and Bank of America appear to offer pre-paid cards more generally, Wells Fargo and Citibank offer them only in limited circumstances that are unlikely to be available to those needing to pay filing fees. CLINIC recommends that you check with banks in your region to determine whether they offer pre-paid cards to the general public and, if so, the per-transaction load limit amount and fee.

Pre-paid cards are also available to be purchased online using a credit or debit card. There generally is no per-transaction load fee. For clients who have foreign bank accounts and thus cannot do an ACH or card payment from those accounts, purchasing a

pre-paid card online can be a suitable and easy work-around. Generally, a physical card is not issued, but the information required to fill out the G-1450 is provided.

C. Exceptions

1. General Information

The Policy Alert incorporates four exception categories from the executive order that allow a payor to submit a paper-based payment. These exception requests are **not** fee waivers; the payment still must be made, but if the exception is granted, the payment may be made by check or money order. USCIS never accepts cash payment.

Exceptions to electronic payments are **not** available for online filing. For mailed filings, an exception request can be made using Form G-1651. As of the date of publication, USCIS has not released this form. It is unknown what information the form will request and what information will constitute required components of the form.

2. Advising Clients of Risks

Three of the exception categories derive solely from the executive order. One exception category is a reference to a pre-existing regulation originally promulgated in 1998 that contains five sub-categories. The three exceptions that derive solely from the executive order have no regulatory or additional clarification. Their plain language is vague and thus the situations to which they will be applicable are unclear. The exceptions that derive from regulation are extremely limited and untested in the immigration context.

Because of this, practitioners should take care to explain to clients the risks of requesting an exception. This is especially true where an application has a specific deadline or significant backlogs based on priority dates. In such cases, a client may face irreparable or significant harm if USCIS denies the exception request and thus rejects the application for lack of payment. To avoid potential application rejection, the safest option is to find a means to pay using Form G-1650 or G-1450. ILSPs may consider assisting clients with the logistics of paying fees, as discussed below in [Section III](#).

3. Exception Categories

a) *Individuals who do not have access to banking services or electronic payment systems*

The first exception is for “[i]ndividuals who do not have access to banking services or electronic payment systems.” The vague language of what constitutes “access” means that this exception could be interpreted either broadly or restrictively by USCIS. For example, it could be argued that any person who does not have an already-established banking service or electronic payment system does not have access to such.

Alternatively, USCIS could find that so long as a person has any potential to establish such an account or system means that they do have access.

Another example is that, because many banks require a social security number to open an account, many non-citizens without social security numbers find it difficult to identify a bank where they can open an account. This could indicate that non-citizens without social security numbers “do not have access” to banking services. However, it could alternatively be argued that, because there are at least some banks that do not require a social security number, a non-citizen without a social security number does have access to banking services. If the closest bank that allows an account to be open without it is 100 miles away, does this mean the non-citizen does not have access to banking services? If not 100 miles, what is the distance that would suffice for USCIS to find that the non-citizen does not have access to a banking account? Will USCIS take into account whether the non-citizen has access to a banking account through family? What about whether the non-citizen has access to a banking account through the practitioner of record?

b) [Electronic disbursements would cause undue hardship per 31 CFR 208.4](#)

The second exception is a reference to pre-established regulation found at 31 CFR § 208.4. There are five sub-categories contained in this regulation. The two options based on undue hardship to the payor are discussed in this section; the remaining three options are unlikely to be applicable to those paying USCIS applications fees and thus are not discussed in the practice pointer.²

31 CFR §§ 208.4(a)(1)(iv) and (v) exempt an individual from electronic payment if an individual would experience “undue hardship” in making such a payment due to either: (1) mental impairment, or (2) living in a remote geographic location lacking infrastructure to support electronic financial transactions. However, the regulation states that this exception is only available to those who have filed a waiver request with Treasury certifying the undue hardship. There is no clarity regarding whether requesting an exception via Form G-1651 would constitute filing a waiver request with Treasury or whether a separate waiver request must be filed with Treasury prior to filing Form G-1651. Furthermore, what constitutes sufficient “mental impairment” or “remote geographic location” is unclear.

² The three categories not discussed in this Practice Pointer apply to individuals who (1) were born before 5/1/1921 and receiving payments by check on 3/1/2013; (2) receive a type of payment for which Treasury does not offer delivery to a Treasury-sponsored account; and (3) are ineligible for a Treasury-sponsored account because of suspension or cancellation of the individual’s Treasury-sponsored account by the Financial Agent.

c) National security or law enforcement related activities where non-EFT transactions are necessary or desirable

The third exception is for situations where non-Electronic Funds Transfer (EFT) transactions are necessary or desirable for national security or law enforcement related activities. Although vague like the others, it is unlikely that USCIS would consider an exception based on this ground if the request is made solely by the payor and not by a government entity validating the relation to a national security or law enforcement activity.

d) Other circumstances determined by the Secretary of the Treasury

The fourth exception category is for “[o]ther circumstances as determined by the Secretary of the Treasury, as reflected in regulations or other guidance.” No additional regulation or guidance has been issued based on this exception category.

III. Assisting Clients in Filing Fee Payments

For client ease and to ensure payment is not rejected, an ILSP may decide to make payment on behalf of clients using their own bank account or card. This is common within private practice and is not prohibited. However, there are ethical rules that guide how attorneys must treat “unearned” client funds — which includes funds that a client provides to an attorney to pay an application fee. This section provides an overview of the relevant ethical rules and how ILSPs can ensure compliance with those rules.

A. Ethical Rules

The ABA Model Rules, which provide the basis for most state rules, prohibit attorneys from mingling client funds with earned income. Model Rule 1.15, Safekeeping Property, states, as applicable:

(a) A lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property. Funds shall be kept in a separate account maintained in the state where the lawyer's office is situated, or elsewhere with the consent of the client or third person. . . .

(c) A lawyer shall deposit into a client trust account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred.

While each state has its own ethical rules for attorneys, all states have some version of this rule prohibiting the mingling of client funds with earned income. The rules generally

require that unearned client funds be kept in a separate trust account and only transferred to an attorney's primary account once they constitute earned income. Client funds can include either unearned payments, such as when a client pays a flat fee or a retainer for work that the attorney has yet to perform, or legal fees and expenses, such as USCIS or court filing fees, that the client provides to the attorney to pay on the client's behalf.

One reason for these rules is to ensure that an attorney holds the client's funds in a safe space — it's important to ensure that attorneys aren't holding client funds in insecure spaces, like office drawers or files. A second purpose is to ensure that an attorney can return client property to the client in the case that the client funds are ultimately not earned by the attorney — either the representation is terminated or the client decides not to move forward with the legal claim before the attorney has earned those fees or the money designated for the application has been spent. If the attorney has placed those client funds into their general account, they may have already spent the funds and thus be unable to return them to the client.

A final reason is to prevent attorneys from benefitting from the interest generated from client funds before they constitute earned attorney funds. Rather, the interest earned on such funds is paid into state Interest on Lawyer Trust Accounts (IOLTA) programs and used to fund legal services for indigent individuals. See this [ABA overview of IOLTA accounts](#) for more information. This [ABA Directory of IOLTA Programs](#) can also be used to find state-specific information.

B. Basics of Client Trust/IOLTA Accounts

Much like with malpractice insurance, attorneys who work at law firms or LSPs generally rely on centralized accounts and processes used by the entire office to comply with this ethical requirement, as they represent clients on behalf of the organization rather than in their individual capacity. While DOJ-Accredited Representatives are not expressly bound by attorney ethics rules, CLINIC strongly encourages that representatives follow these rules as best practice for providing legal representation. For organizations with attorneys and representatives, all practitioners should use the same office accounts and processes.

An organization can generally open a client trust account that complies with the state's IOLTA rules at any bank, but some states require that these accounts be opened only through certain approved banks. There are also specific record-keeping obligations for these accounts. Another issue to consider is whether an ACH or debit withdrawal for an application fee using either Form G-1650 or G-1450 can be made directly from the client trust account or whether the organization must make the debit from their general account and then reimburse from the client trust account. Organizations can contact

their [state IOLTA program](#) to learn more. CLINIC will be publishing a resource soon with more details regarding client trust accounts and IOLTA.

1. ILSP Organizations With No Attorneys on Staff

In most states, ILSPs whose practitioners solely consist of DOJ-Accredited Representatives will be unable to open IOLTA accounts, as state rules require that an attorney open the account. However, such organizations can still follow the spirit of the ethical rules by opening a trust or other similar account to hold client funds so that client funds are not comingled with earned income. Any interest generated from that account should not be used directly for the benefit of the organization.

C. Alternatives to Client Trust Accounts

Organizations may not wish to open a client trust account, and they may instead seek other ways to assist clients without U.S. bank accounts to pay USCIS filing fees. Due to the generally strict ethical rules regarding safekeeping of client funds, these options are minimal.

ABA Rule 1.15 specifically states that “client funds must be held in a separate **account**” and comment one states that “[a] lawyer should hold property of others with the care required of a professional fiduciary (emphasis added).” An ILSP would be making a mistake to consider holding a client’s USCIS fee amount in cash, paying the fee to USCIS out of the organization’s operating account, and depositing the fee into the operating account only after USCIS accepts it in order to bypass IOLTA obligations. The rule specifically states that client funds must be held in an account; this means attorneys can’t hold client funds in a drawer, or even in a safe or lockbox. One reason is that this method is rife with the possibility of loss, theft, or incorrect accounting of funds. Under ethics rules, often even the appearance of impropriety from actions taken by an attorney are prohibited.

To hold property with the care of a fiduciary, depositing client funds into a client trust account must occur in a timely manner. This means you can’t just hold the funds in a lockbox until USCIS processes the payment — we all know it can take weeks for USCIS to do so!

Organizations may also consider accepting cash, check, or money order from a client and then purchasing the pre-paid card on the client’s behalf. This method is also dangerous for the appearance of impropriety. Client trust accounts require specific bookkeeping for the purpose of ensuring that client funds are properly used, and attempting to bypass those rules in this way may create the appearance of misuse of client funds.

The only sure way to avoid the need for a client trust account is by ensuring that the funds provided to the organization by the client are considered earned income before those funds are deposited by the organization into its general account. To accomplish this, organizations can use their own general funds to make a payment for client filing fees and then seek reimbursement from the client after payment. That money can be placed directly into the organization's general account at that time because payment has already been made and thus those funds constitute earned income. However, this leads to additional administrative work to ensure that the client does indeed reimburse the organization and leads to the possibility that the organization may never receive reimbursement from some clients, thus losing those funds.

Remember that clients can also purchase a pre-paid card and provide the necessary information needed to fill out Form G-1450. See [Section II\(B\)\(3\)](#) above for logistics of purchasing a pre-paid card. It is critical that the client ensure the pre-paid card maintains the necessary balance until the USCIS fee is processed. See [Section I\(E\)\(1\)](#) above.