FY 2019-2020

Immigration Examinations Fee Account

Fee Review Supporting Documentation with Addendum

May 2020

U.S. Citizenship and Immigration Services

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EXECUTIVE SUMMARY

U.S. Citizenship and Immigration Services (USCIS) is primarily funded by immigration and naturalization benefit fees charged to applicants and petitioners. Fees collected from applicants and petitioners are deposited into the Immigration Examinations Fee Account (IEFA) and used to fund the cost of processing immigration benefit requests. USCIS reviews its fees biennially and adjusts them to recover the full operating costs associated with administering the nation's lawful immigration system, safeguarding its integrity and promise by efficiently and fairly adjudicating requests for immigration benefits, while protecting Americans, securing the homeland, and honoring our values.

In accordance with the principles and guidance of the Chief Financial Officers Act of 1990 (CFO Act) and the Office of Management and Budget's (OMB) Circular A-25, USCIS completed a biennial fee review for Fiscal Years (FY) 2019/2020. The results indicate that current fee levels are insufficient to recover the estimated full cost of activities funded by the IEFA. The Department of Homeland Security (DHS) is adjusting USCIS' current fee schedule to recover full cost.

USCIS calculates its fees to cover the estimated full cost of adjudication.[1] DHS follows the guidance provided by OMB Circular A-25, which establishes policy guidance regarding fees assessed by Federal agencies for government services.[2] USCIS projects fee-paying receipt volume to be approximately 60 percent higher for FY 2019/2020 than FY 2016/2017 fee rule levels. The large increase is partially because of policy changes described in the final rule. While these policy changes alone would increase revenue, USCIS anticipates that the current fee structure will yield an average annual deficit of approximately $1,035.9 million in the IEFA.[3] To ensure full cost recovery, DHS is adjusting USCIS' fee schedule by a weighted average increase of 20 percent. This document has been updated since the Notice of Proposed Rulemaking

[1] The Immigration and Nationality Act (INA) section 286(m), 8 U.S.C. 1356(m), provides broader fee-setting authority and is an exception from the stricter costs-for-services-rendered requirements of the Independent Offices Appropriations Act, 1952, 31 U.S.C. 9701(c) (IOAA); *See Seafarers Intern. Union of N. Am. v. U.S. Coast Guard*, 81 F.3d 179 (D.C. Cir. 1996) (IOAA provides that expenses incurred by the agency to serve some independent public interest cannot be included in the cost basis for a user fee, although the agency is not prohibited from charging the applicant full cost of services rendered to applicant, which also results in some incidental public benefits). Congress initially enacted immigration fee authority under the IOAA. *See Ayuda, Inc. v. Att'y General*, 848 F.2d 1298 (D.C. Cir. 1988). Congress thereafter amended the relevant provision of law to require deposit of the receipts into a separate Immigration Examinations Fee Account of the Treasury as offsetting receipts to fund operations and broadened the fee setting authority. Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1991, Pub. L. 101-515, sec. 210(d), 104 Stat. 2101, 2111 (Nov. 5, 1990). Additional values are considered in setting Immigration Examinations Fee Account fees that would not be considered in setting fees under the IOAA. *See* 72 FR at 29866-7.

[2] OMB Circular A-25, User Charges (Revised), par. 6, 58 FR 38142 (July 15, 1993).

[3] Exclude Premium Processing, Temporary Protected Status (TPS), and Consideration of Deferred Action for Childhood Arrivals (DACA) revenue and budget forecasts.

(NPRM). It includes additional information that pertains to the final rule. See the Addendum section for a summary of changes.

FEE REVIEW BASIS

This document provides supplemental information associated with the FY 2019/2020 fee review results and corresponding final rule. All summary values in this document may vary due to rounding.

USCIS conducted a biennial fee review to determine whether the current fee structure is sufficient to recover full cost, consistent with section 205(a)(8) of the CFO Act. As a result of the FY 2019/2020 fee review, DHS will adjust IEFA non-statutory, non-premium processing fees to recover the estimated full operating costs associated with USCIS' role in administering the nation's lawful immigration system.

PURPOSE

A primary objective of the FY 2019/2020 fee review was to ensure immigration and naturalization benefit fees provide sufficient funding to recover costs. The main focus was the IEFA, which comprised approximately 96 percent of USCIS' FY 2019 total enacted budget authority.

In addition to the requirements of the CFO Act, there are several important reasons for conducting biennial fee reviews. They offer the following benefits:

- Allows for an assessment of USCIS policies, staffing levels, costs, and revenue. USCIS evaluates its performance and makes informed decisions concerning program scaling, resource planning, and staffing allocations.
- Provides USCIS stakeholders with an opportunity to review and evaluate anticipated costs, revenue, and their potential effect on fees.
- Affords an opportunity for USCIS to account for the latest operational changes including efficiencies, workload trends, information technology improvements, etc.

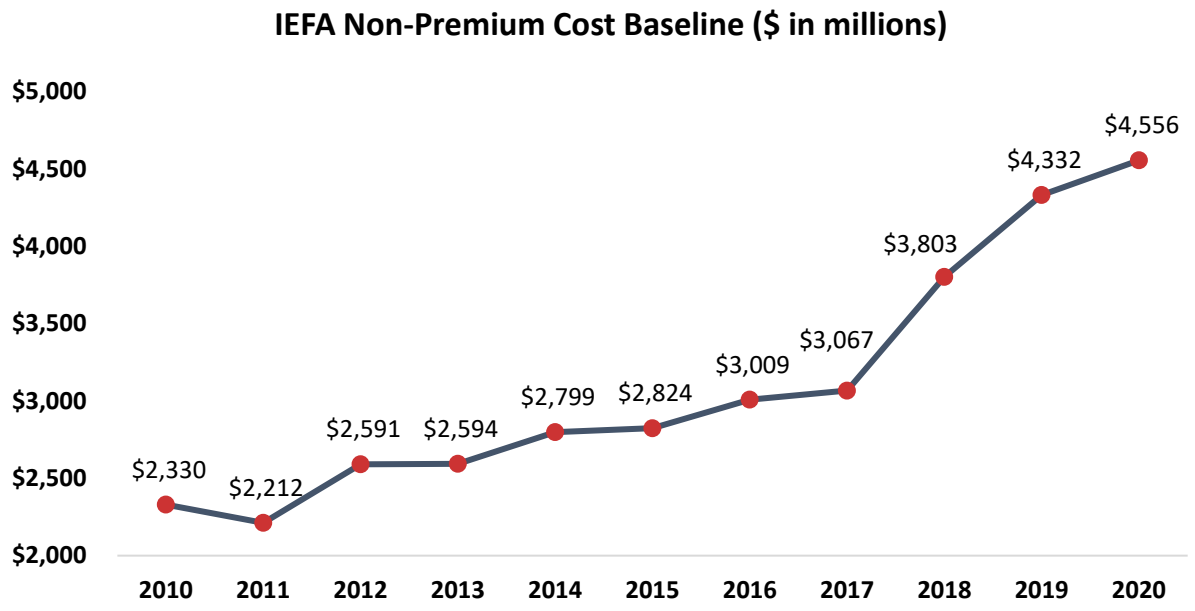
SUMMARY BASIS FOR FEE ADJUSTMENTS

The IEFA non-premium cost baseline has increased year-over-year since the FY 2016/2017 fee rule. USCIS forecasts that it will increase further in FY 2019/2020 (see Figure 1). If fully funded over the FY 2019/2020 biennial period, USCIS estimates that it would experience an average annual deficit of $1,035.9 million (see Table 2 in the final rule). DHS will adjust USCIS' fee schedule by a weighted average increase of 20 percent to address the anticipated deficit. This fee adjustment reflects the following:

- Changes to fee waivers, fee exemptions, and other fee-related policies,
- New fees for Forms I-129, I-589, and I-600A/600 supplement 3,

- Sustain current operating levels, while allowing for limited strategic investments necessary to strengthen and mature the USCIS enterprise, and
- Several other policy changes detailed in the final rule.

Figure 1: IEFA Non-Premium Cost Baseline (Dollars in Millions)



METHODOLOGY FOR THE 2019/2020 FEE REVIEW

When conducting the FY 2019/2020 fee review, USCIS examined its recent cost history, operating environment, and current service levels to determine the appropriate method to assign costs to particular immigration benefit requests.

ACTIVITY-BASED COST (ABC) MODEL

USCIS uses activity-based costing (ABC) to determine the full cost of processing immigration benefit requests and biometric services. This is the same methodology used in the last five fee reviews and is the basis for the current fee structure. ABC is a business management tool that assigns resource costs to operational activities and then to products and/or services. These assignments provide an accurate cost assessment of each major step toward producing the individual outputs of an organization.

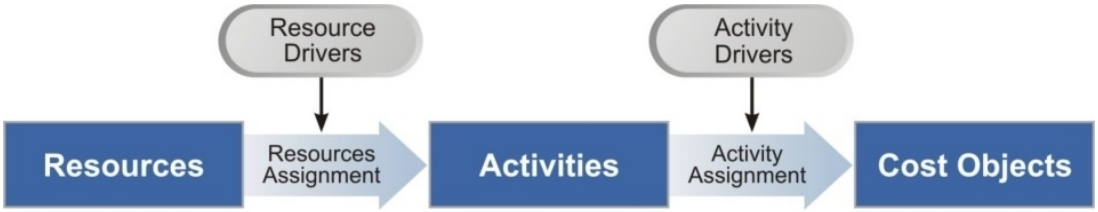
USCIS uses commercially available ABC software[4] to create financial models that calculate the projected total cost and unit cost of immigration benefit requests. DHS uses this projected cost

[4] SAP Business Objects Profitability and Cost Management (PCM). For documentation from the vendor on this commercial off-the-shelf application, visit https://help.sap.com/viewer/product/SAP_PROFITABILITY_AND_COST_MANAGEMENT/10.0/en-US. USCIS

information to propose and finalize immigration benefit request fees. USCIS has used the same software since the FY 2010/2011 fee review. USCIS continues to refine these models with the most current information available to ensure they accurately depict USCIS operations.

USCIS assigns costs (resources) to immigration benefit and biometric service processing activities (activities) and then to individual immigration benefit requests (cost objects). ABC integrates these three components using a two-step cost assignment process. The first step assigns resources to processing activities using resource drivers. The second step assigns activities to cost objects using activity drivers. USCIS determines resource drivers by analyzing which offices and job titles perform which activities. USCIS determines activity drivers by analyzing which activity costs contribute to each cost object. Figure 2 illustrates the ABC cost assignment methodology.

Figure 2: Activity-Based Costing Diagram



Resources

Resources equal the projected FY 2019/2020 average annual cost baseline of $4,444.2 million. USCIS designed the FY 2019/2020 ABC model to resemble the structure of the FY 2018 annual operating plan (AOP). The AOP is a detailed budget execution plan that USCIS establishes at the beginning of the fiscal year. It is consistent with the annual spending authority enacted by Congress. USCIS adjusts the AOP for future years, as described in the final rule.

Resource Drivers and Resource Assignment

ABC uses resource drivers to assign resources to activities (see the next section, Activities, for more information). All resource costs are assigned to activities so the total resources in the ABC model equal the total cost of activities.

A common resource driver in ABC is the number of employees in an organization and the percentage of time they spend performing various activities. The FY 2019/2020 ABC model uses employee counts and activity information to assign resources to activities. USCIS refers to this process as the payroll title analysis (PTA). The PTA determines how employees contribute to the 12 activities in the fee review. When an office engages in more than one activity, USCIS uses operational information to prorate that office's resources to multiple activities. Historical activity

provides this information now because of public interest in the software. Currently, SAP provides this PCM documentation to the public for free. USCIS disclosed the name of the software in previous fee rules. *See* 81 FR 26905. However, some public commenters were not aware of its name, usage, or existing documentation.

information is applied to projected staffing levels in FY 2019/2020. The ABC model assigns resources to activities using anticipated staffing levels and historical activity information detailing the percentage of time spent performing specific activities from the PTA for each office.

USCIS assigns some costs directly to activities. For example, the contract awarded to support USCIS Application Support Center (ASC) operations only pertains to the "Capture Biometric Data" activity. Therefore, USCIS assigns the costs of this contract to that activity only. Other overhead costs, including the Office of Information Technology (OIT), service-level agreements, and the DHS working capital fund contributions are prorated to each office based on their number of authorized positions so that each office pays a proportionate share.

The allocation methods in the FY 2019/2020 review align with the Federal Accounting Standards Advisory Board's (FASAB's) Statement of Federal Financial Accounting Standards (SFFAS) Number 4 on managerial cost accounting concepts. This fulfills the guideline for agencies to directly trace costs when feasible and to either assign costs on a cause-and-effect basis or allocate them in a reasonable and consistent way.

Activities

In ABC, activities are the critical link between resources and cost objects. Activities represent work performed by an organization. USCIS allocates the FY 2019/2020 cost baseline (resources) to the following 12 activities:

1. **Conduct TECS[5] Check** involves the process of comparing information on applicants, petitioners, requestors, beneficiaries, derivatives, and household members who apply for an immigration benefit request against various Federal Government systems.
2. **Direct Costs** support a specific immigration benefit request. For instance, USCIS applies costs specific to naturalization, including conducting naturalization ceremonies and naturalization benefits processing, to naturalization forms.
3. **Fraud Detection and Prevention** involves activities performed by the Fraud Detection and National Security (FDNS) Directorate in detecting, combating, and deterring immigration benefit fraud, as well as addressing national security and intelligence concerns.
4. **Inform the Public** involves receiving and responding to inquiries through telephone calls, written correspondence, and walk-in inquiries. It also involves public engagement and stakeholder outreach initiatives.
5. **Intake** involves mailroom operations, data entry and collection, file assembly, fee receipting, adjudication of fee waiver requests, and lockbox operations.
6. **Issue Document** involves producing and distributing secure cards that identify the holder as a foreign national and also identifies his or her immigration status and/or employment

[5] In previous reviews, USCIS called the Conduct TECS Check activity by different names, such as Conduct Interagency Border Inspection System Checks (IBIS) or Conduct Treasury Enforcement Communication System (TECS) Check. The system has changed names. USCIS updated the ABC model to reflect this change.

authorization. For example, issuing an employment authorization document (EAD) or permanent residence card (PRC).

7. **Make Determination** involves adjudicating immigration benefit requests; making and recording adjudicative decisions; requesting and reviewing additional evidence; interviewing applicants, petitioners, or requestors; consulting with supervisors or legal counsel; and researching applicable laws and decisions on non-routine adjudications.
8. **Management and Oversight** involves activities in all offices that provide broad, high-level operational support and leadership necessary to deliver on the USCIS mission and achieve its strategic goals.
9. **Records Management** involves searching for and requesting files; creating temporary and/or permanent individual files; consolidating files; appending evidence submitted by applicants, petitioners, and requestors to existing immigration files; retrieving, storing, and moving files upon request; auditing and updating systems that track the location of files; and archiving inactive files.
10. **Systematic Alien Verification for Entitlements** (SAVE) represents the cost of an intergovernmental information-sharing program that helps Federal, state, and local benefit-issuing agencies, institutions, and licensing agencies (such as an individual state's department of motor vehicles) determine the immigration status of applicants. SAVE helps these agencies ensure that only those eligible for benefits and licenses receive them. USCIS enters into reimbursable agreements with Federal, state, and local government agencies under the authority of the Economy Act and the Intergovernmental Cooperation Act of 1968. These reimbursable agreements recover only a portion of the total program cost.

Since the FY 2016/2017 fee rule, USCIS separated one activity into several subordinate activities and added one new activity to the FY 2019/2020 fee review:

11. **Research Genealogy** provides researchers with access to historical immigration and naturalization records of deceased immigrants.
    a) In the FY 2016/2017 fee rule, USCIS did not track this workload distinctly from the rest of the Records Management activity.
    b) For this final rule, USCIS reevaluated the resource driver assignments for various National Records Center (NRC) contracts. The NPRM used NRC staffing by activity to split most of its contracts between Records Management and Research Genealogy activities. After reevaluating NRC contracts, USCIS determined that some do not contribute to genealogy research. Reassigning these contract costs only to Records Management removed approximately $0.9 million from the Research Genealogy activity. Consequently, final genealogy fees are lower than the proposed fees.
12. **Perform Biometric Services** involves the management of electronic biometric information, background checks performed by the Federal Bureau of Investigation (FBI), and the collection, use, and reuse of biometric information to verify the identity of individuals seeking an immigration benefit. USCIS aggregates the following subordinate activities into this activity:
    a) **Capture Biometric Data**: ASC contractual support for collection of fingerprints, photographs, and signature information.

b) **Check Fingerprints**: Send fingerprints to the FBI for identity confirmation, background, and security checks.
c) **Check Name**: Send information to the FBI for personnel, administrative, applicant, and criminal files compiled for law enforcement purposes. Generally, USCIS requests this additional service for naturalization and adjustment of status applicants.
d) **Manage Biometric Services**: Oversight of biometric services, including Federal employees at ASC locations and the Biometrics Division.

Activity Drivers and Activity Assignment

The final stage in the ABC process assigns activity costs to immigration benefit requests (cost objects). See Table 1 for the general assignments in the ABC model. See Appendix X – Operational Metrics in the Fee Review for more information on the completion rates and other activity drivers.

Table 1: General Activity and Activity Driver Assignments

Activity	Most Common Activity Driver
Conduct TECS Check	Completions
Direct Costs	Varies (Assigned by Resource)
Fraud Detection and Prevention	Completions
Inform the Public	Completions
Intake	Receipts
Issue Document	Completions
Make Determination	Adjudication Hours (Completions * Completion Rate)
Management and Oversight	Completions
Records Management	Completions
Systematic Alien Verification for Entitlements	Verifications
Research Genealogy	Genealogy Hours
Perform Biometric Services	Varies. See below.
Capture Biometric Data	ASC Production
Check Fingerprints	FBI Fingerprints
Check Name	FBI Name Checks
Manage Biometric Services	ASC Production

Completions and receipts represent projected workload volumes. For most activities, USCIS assigns activity costs to cost objects based on the percentage of total projected workload volume. For these activities, similar time and effort are involved for each immigration benefit request. USCIS uses different activity drivers for two activities: Make Determination and Research Genealogy.

USCIS allocates the Make Determination activity costs across immigration benefit requests by projected adjudication hours. USCIS calculates projected adjudication hours by multiplying projected volumes by completion rates for most benefit types. Completion rates are the average time that an immigration services officer (ISO) requires to adjudicate immigration benefit requests.[6] In general, the more time spent adjudicating a request, the more cost assigned to that request and, therefore, the higher the total cost and unit cost.

The Research Genealogy activity uses estimated production hours for genealogy searches and records requests. USCIS assigns all costs associated with this activity to the genealogy fees, Forms G-1041 and G-1041A.

The ABC model allocates activity costs to immigration benefit requests by the locations (Service Centers, Field Offices, etc.) that process them. USCIS uses data from the USCIS Performance Reporting Tool (PRT), including volumes and hours by various activities, as well as assumptions or data points from other systems. For the FY 2019/2020 fee review, USCIS aligned its fee review metrics with the PRT metrics used in the FY 2018 Staffing Allocation Model (SAM) to ensure organizational consistency.

Cost Objects

In the ABC model, cost objects are immigration benefit requests and other work products that USCIS produces. Table 2 shows which activity drivers link specific activities to groupings of cost objects.

Table 2: Cost Object Assignments

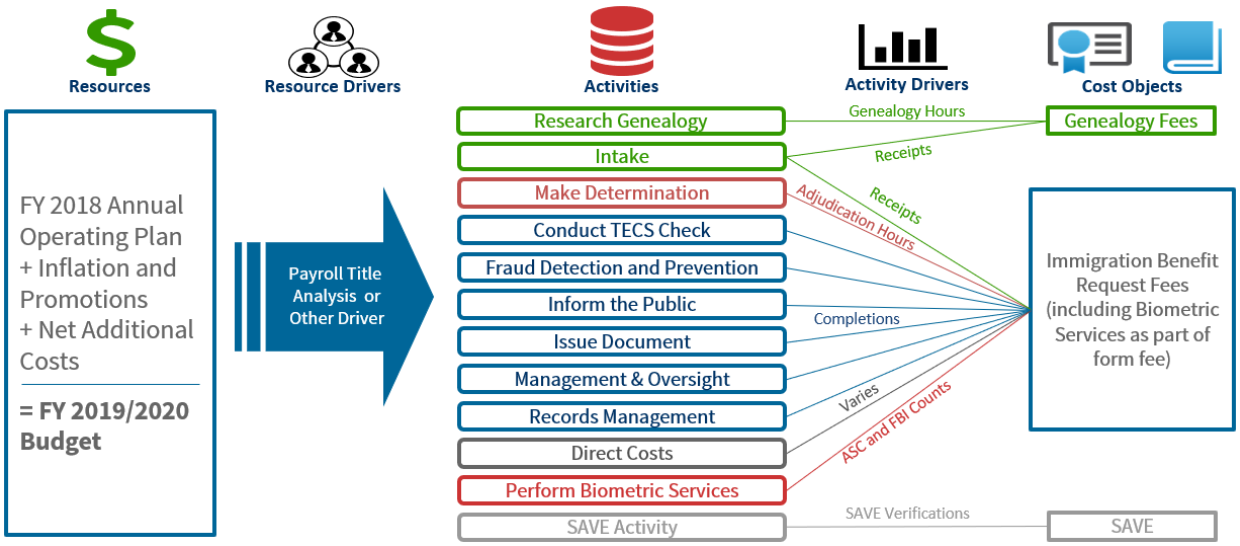
Activity	Activity Driver	Cost Object Grouping
Perform Biometric Services	N/A (See rows below)	N/A (See rows below)
Capture Biometric Data	ASC Production	Immigration Benefit Requests
Check Fingerprints	FBI Fingerprints	Immigration Benefit Requests
Check Name	FBI Name Checks	Immigration Benefit Requests
Manage Biometric Services	ASC Production	Immigration Benefit Requests
Conduct TECS Check	Completions	Grouping where TECS Checks are Required
Fraud Detection and Prevention	Completions	Grouping where TECS Check are Required
Inform the Public	Completions	Immigration Benefit Requests
Intake	Receipts	Immigration Benefit Requests without online filing
Issue Document	Completions	Grouping where USCIS issues documents, such as an EAD or PRC
Make Determination	Adjudication Hours	Immigration Benefit Requests

[6] Refers to the amount of time a USCIS immigration service officer spends on an adjudication. This is different than cycle or processing time, the amount of time an applicant, petitioner, or requestor spends waiting for an output.

Activity	Activity Driver	Cost Object Grouping
Management and Oversight	Completions	Immigration Benefit Requests
Records Management	Completions	Immigration Benefit Requests
Research Genealogy	Genealogy Hours	Genealogy Forms
Systematic Alien Verification for Entitlements	SAVE Verifications	SAVE Reimbursable Workload

Figure 3 illustrates how the ABC model works. It displays each of the terms in this section and shows their connections.

Figure 3: USCIS Specific ABC Diagram



USCIS estimates costs for most immigration benefit requests, including those provided without charge to asylum applicants and other immigrants. The IEFA cost of immigration benefit requests for which no revenue is recovered is later reallocated to other immigration benefit requests that generate revenue. Meaning, fees must recover the estimated full cost of workloads without fees.

CHANGES IMPLEMENTED IN THE FY 2019/2020 FEE REVIEW

The preamble to this final rule discusses all major policy changes. This section describes key methodology changes in the FY 2019/2020 fee review that were not reflected in the FY 2016/2017 fee rule. In some instances, USCIS used new data, varying levels of detail, or changed assignments in the ABC model. Examples include, but are not limited to the following:

- Created the Research Genealogy activity and split the Perform Biometric Services activities into several subordinate activities, as described in the Activities section.
- Used estimated genealogy hours to allocate the Research Genealogy activity costs to each genealogy request.

    - The previous fee rule used completions to allocate the Records Management activity to all immigration benefit requests (including genealogy workload) and calculated a single genealogy fee.
    - Now, final fees may better represent the level of effort required for each genealogy form.
- Used estimated completion rates for asylum workloads to approximate adjudication hours. These estimated adjudication hours were used as an activity driver for the Make Determination activity, similar to most other cost objects in the ABC model. Now, the ABC model more accurately assigns costs to the asylum workloads that require more adjudication time.
    - Previous fee rules used completions to assign Make Determination activity costs to asylum workloads. As such, previous ABC models did not show that some asylum adjudications require more time than others. The FY 2016/2017 fee rule ABC model included asylum cost objects for Forms I-589 and I-881 even though DHS did not propose or change these fees.
- Estimated a Form I-90 online filing volume that does not receive the Intake activity.
- Allocated estimated costs of the Office of Citizenship to all naturalization forms.
    - The FY 2016/2017 fee rule ABC model allocated these costs to Form N-400 only.
    - In this final rule, USCIS realigned $10 million of anticipated IEFA costs for the Office of Citizenship to account for citizenship grants appropriations received via the FY 2019 – 2020 DHS appropriation bills. In the NPRM, $10 million was in the cost baseline because USCIS did not receive appropriations for citizenship grants in FY 2018. This final rule reassigns $10 million to fund other USCIS initiatives. In other words, $10 million is reassigned to all immigration benefit requests, not just naturalization services. Consequently, naturalization-related forms are less than initially proposed in the NPRM.
- The NPRM included $207.6 million for Immigration and Customs Enforcement (ICE). USCIS removed this from the ABC model in the final rule.

Additional Immigration Benefit Requests and Other Workloads in the FY 2019/2020 Fee Review

There are several new immigration benefit requests that USCIS included in the final fee structure that were not fully considered in the FY 2016/2017 fee rule. To refine the ABC model, USCIS incorporated cost and operational metrics for the following immigration benefit requests:

- Separated Form I-129, Petition for a Nonimmigrant Worker, into several different fees based on the visa class requested and whether the beneficiaries are named or unnamed workers. Also limited the number of named beneficiaries to 25 per petition.
- Incorporated cost and fee-paying volume from U.S. Customs and Border Protection (CBP). When available, CBP cost information appears in the Direct Costs activity. USCIS and CBP share the following workloads:
    - I-192, Application for Advance Permission to Enter as Nonimmigrant

    - I-193, Application for Waiver of Passport and/or Visa
    - I-212, Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal
    - I-824, Application for Action on an Approved Application or Petition
- Incorporated volume estimates from the interagency agreement with Department of State (DOS) Bureau of Consular Affairs to allocate the estimated cost for the following workloads that USCIS and DOS share:
    - I-130, Petition for Alien Relative
    - I-131, Application for Travel Document
    - I-131A, Application for Travel Document (Carrier Documentation)
    - I-360, Petition for Amerasian Widow(er) or Special Immigrant
    - I-407, Abandonment of Lawful Permanent Resident Status
    - I-600/600A/800/800A Adoption Petitions and Applications
    - I-604, Determination on Child for Adoption
    - I-730, Refugee/Asylee Relative Position
    - DNA Collection
    - Overseas Verifications
- New Form I-600A/I-600 Supplement 3 Request for Action on Approved Form I-600A/I-600.
- Proposed renewal fees for Form I-821D, Consideration of Deferred Action for Childhood Arrivals (DACA) and DACA associated Form I-765.
    - Added cost objects for Form I-821D and DACA-related Form I-765. The proposed Form I-765 fee is based on the sum of DACA and non-DACA Form I-765 projected costs.
    - USCIS removed DACA costs, revenue, and volume from the ABC model used for this final rule. It is now consistent with the FY 2016/2017 fee rule, which did not include DACA. In the final rule, DHS did not change the Form I-765 fees for DACA requestors. The Form I-765 remains $410 and the biometric services fee remains $85 for DACA-related I-765s only.
- Added other cost objects to the ABC model, enabling USCIS to estimate the total cost of the following workloads, although DHS does not propose or finalize fees for them:
    - Automatic certificate of citizenship for certain adopted children
    - DNA collection abroad
    - I-914 Supplement A, Application for Family Member of T-1 Recipient
    - I-918 Supplement A, Petition for Qualifying Family Member of U-1 Recipient

SPECIAL TOPICS

This section addresses specific topics not discussed elsewhere in the supporting documentation.

IEFA NON-PREMIUM BUDGET

In this final rule, DHS describes the fee review budget used to inform final fees. See section III. L. Cost Analysis and DHS Rationale for Fee Adjustments of the preamble. DHS displays the revised cost baseline (year-over-year marginal cost change) below. It also appears as Table 5 of the final rule. The two-year average is $4,444.2 million.

Table 3: Revised Cost Baseline Projections

FY 2019/2020 Fee Review IEFA Non-Premium Budget (in Millions)	
Total Base FY 2018 IEFA Non-Premium Budget	$3,585.6
Plus: Net Spending Adjustments	$217.2
Total Adjusted FY 2018 IEFA Non-Premium Budget	**$3,802.8**
Plus: Transfer to ICE	-
Plus: Pay Inflation and Promotions/Within Grade Increases	$280.2
Plus: Net Additional Costs	$249.0
Total Adjusted FY 2019 IEFA Non-Premium Budget	**$4,332.0**
Plus: Pay Inflation and Promotions/Within Grade Increases	$218.6
Plus: Net Additional Costs	$5.8
Total Adjusted FY 2020 IEFA Non-Premium Budget	**$4,556.4**

IEFA NON-PREMIUM CARRYOVER PROJECTIONS

Carryover is unobligated/unexpended fee revenue accumulated from prior FYs. For federal entities such as USCIS that rely almost entirely on fee revenue, it is important to maintain a sufficient carryover balance. USCIS' IEFA requires a positive carryover balance to ensure that sufficient funds are available to maintain operations at the start of each new FY until it collects and deposits current year fee revenue. Most federal programs are financed by discretionary appropriations that receive an annual Treasury warrant, which establishes a cash balance in their accounts after enactment of appropriations. USCIS' IEFA possesses permanent/indefinite warrant authority that allows for immediate access to carryover balances and revenue collections subject to the annual spending limits established by Congress. USCIS actively monitors the IEFA carryover balance each month. Historically, fee revenue in the first quarter of the FY is low due to seasonal filing patterns. Therefore, USCIS requires carryover funds to pay Federal salaries and award certain contracts at the beginning of the FY.

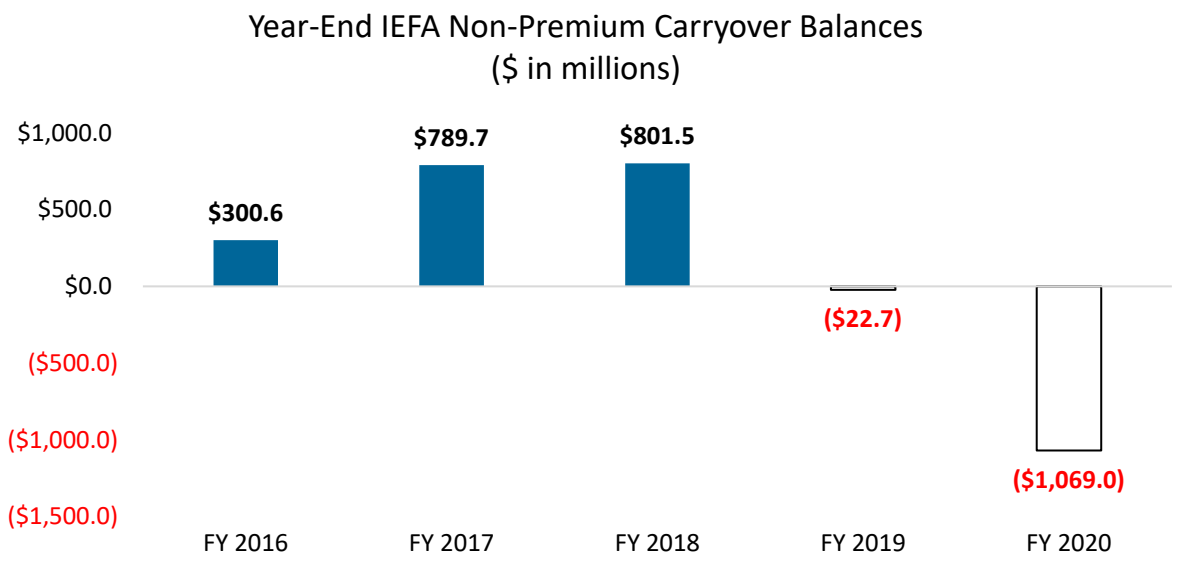
Applicants and petitioners pay IEFA fees when filing immigration benefit requests. USCIS rejects immigration benefit requests that do not include the appropriate filing fee (unless a fee exemption applies or USCIS approves a fee waiver request). For accounting purposes, USCIS cannot recognize revenue as earned until work is completed. This means that USCIS recognizes

revenue when it renders a decision on an immigration benefit request.[7] Consequently, USCIS maintains a carryover balance to cover the cost of processing applications and petitions that are pending adjudication at the end of the fiscal year. Also, in the event that actual revenue is below forecast, the carryover balance ensures continuity of operations until USCIS reduces costs and/or adjusts fees.

USCIS evaluated the FY 2019/2020 IEFA non-premium year-end carryover balance projections for the budget scenario described in this final rule. The evaluation projected a negative year-end carryover balance, which confirmed that the current fee structure is not sufficient to cover the estimated cost of operations and maintain adequate carryover balances. This would pose a significant fiscal risk that may further increase current backlogs unless DHS adjusts USCIS' fee schedule. Therefore, DHS is adjusting USCIS' fees in this final rule to meet its operational requirements and ensure a sufficient carryover balance.

Figure 4 depicts historical (FY 2016-2018) actual and FY 2019/2020 projected year-end carryover balances.[8]

Figure 4: IEFA Non-Premium Year-End Carryover Balances



A minimum carryover balance threshold enables USCIS to effectively monitor and maintain the fiscal health of the IEFA. By comparing planned spending to projected revenue, USCIS

[7] Deferred revenue is revenue that USCIS has received for work that has not been completed and constitutes an outstanding liability for the agency. Deferred revenue and pending caseloads do not impact fee adjustments.
[8] FY 2019/2020 year-end carryover projections assume the revenue and budget reflected in Table 2 of the final rule. They also account for a recurring annual transfer of funds to the Executive Office for Immigration Review (EOIR), SAVE and other offsetting collections, and the recovery of prior year obligations (i.e. recoveries). USCIS forecasts recoveries by evaluating historical actual data from the most recent five FYs. An average annual recovery rate is calculated as a proportion of actual recoveries relative to the AOP for the applicable FY. USCIS applies a recovery rate to the final anticipated annual budget (i.e. cost baseline) to forecast recoveries.

evaluates the potential operating surplus or deficit at the start of the respective FY to determine whether the IEFA will maintain an appropriate level of funding to ensure continuity of operations at the start of the following fiscal year.

USCIS establishes a minimum carryover balance threshold that, when combined with new fee receipts, ensures IEFA obligations will not exceed available funding. USCIS considers historical obligation patterns and revenue trends to determine the minimum carryover threshold needed to sustain agency operations. Revenue collections do not necessarily cover obligations at a given time during the biennial period. Thus, USCIS may experience cash flow deficits at certain times during the fiscal year. USCIS calculates its minimum carryover threshold as the average of the greatest continuous cash flow deficits sustained over the last three fiscal years. Ensuring that USCIS maintains cash reserves no less than this amount enables the agency to sustain equivalent levels of obligations during periods of cash flow deficits. USCIS estimates its FY 2019/2020 IEFA non-premium minimum carryover threshold to be $347.1 million.

The FY 2019/2020 IEFA non-premium year-end carryover balance projections reflected in Figure 4 are significantly below USCIS' minimum carryover threshold of $347.1 million. Therefore, DHS is adjusting USCIS' fees in this final rule in effort to bridge the cost/revenue differential and mitigate the fiscal risk.

IMPUTED BENEFITS COST ESTIMATE – OMB CIRCULAR A-25 COMPLIANCE

OMB Circular A-25 establishes Federal policy regarding fees assessed for government services and for sale or use of government services, products, and facilities. It also establishes the underlying policy that user fees should recover the full cost to the Federal Government including direct and indirect costs. However, Circular A-25 provides exceptions for including certain costs if, in the opinion of the agency head or their designee, the costs justify an exception. The OMB Director can approve exceptions. OMB approved two USCIS exemption requests:

1. Retirement, health, and life insurance costs paid by OPM for USCIS employees and retirees. The cost is approximately $86 million in FY 2019 – 2020. USCIS leveraged guidance from the OPM Benefits Administration Letter 18-303, Fiscal Year 2018 Cost Factors for Calculating Imputed Costs to estimate the imputed cost.
2. Lockbox costs that are paid by the Department of the Treasury's Financial Management Service that are in addition to the costs that USCIS reimburses Treasury. USCIS pays for part, but not all, of the Lockbox cost. USCIS estimates Treasury's costs to be $130 million in FY 2019 and $137 million in FY 2020. The USCIS portion of the lockbox costs, i.e., the amount that USCIS reimburses Treasury, is included in the USCIS fee structure.

Table 4: Imputed Cost Estimate (Dollars in Millions)

Imputed Cost Description	FY 2019	FY 2020	FY 2019/2020 Estimated Cost
Treasury's portion of Lockbox contract	$86	$86	$86.0
OPM retirement, health, and life insurance	$130	$137	$133.5
Grand Total	**$216**	**$223**	**$219.5**

USCIS believes that adding these costs to the fee structure would be overly burdensome to fee-paying applicants and petitioners. Therefore, OMB approved USCIS' request to exclude these imputed costs from its proposed fee schedule. OMB's approval is valid for up to 4 years.

FASAB COMPLIANCE JUSTIFICATION

The cost methodology section of FASAB's SFFAS recommends performing cost assignments using the following order of preference:

1. Directly tracing costs wherever feasible and economically practicable;
2. Assigning costs on a cause-and-effect basis; or
3. Allocating costs on a reasonable and consistent basis.

According to FASAB SFFAS Number. 4, "an activity is considered a linkage between the cause and the effect." USCIS uses ABC to assign resources to outputs (immigration benefit requests). Most immigration benefit requests require multiple activities to complete a request. USCIS assigns costs to requests by cause-and-effect with some exceptions. In some cases, USCIS directly traces costs dedicated to particular outputs. USCIS allocates overhead on a reasonable and consistent basis using staffing by activity. Cost assignments are summarized by FASAB preference below. These lists identify some of the notable examples.

Direct Trace

USCIS directly assigns approximately $456.0 million, or 10 percent, of the $4,444.1 million average annual cost projection. The following costs are examples of direct trace:

- $166.0 million to various biometric activities:
  - $95.9 million for ASC contractual services and biometric software,
  - $39.2 million for FBI name checks, and
  - $30.9 million for FBI fingerprints.
- $62.4 million to the Issue Document activity for USCIS card production services, supplies, and secure mailing services.
- $60.9 million to the Records Management activity for records systems, scanning, and other contractual services.
- $54.6 million to the Intake activity for the USCIS lockbox provider and related supplies.
- $12.3 million to the Inform the Public activity for various customer service systems.
- $40.7 million for other direct costs to various activities.
- $17.4 million for secure card consumables associated with PRCs and EADs.

- $17.4 million for services from the DOS Bureau of Consular Affairs.[9]
- $6.8 million for naturalization ceremonies and certificates.
- $5.4 million for international cables.
- $5.4 million for Administrative Site Visit and Verification Program (ASVVP) payroll and travel.
- $3.4 million for the CLAIMS 4 case management system costs to naturalization benefits.
- Approximately $3.2 million of information technology system costs directly attributable to specific benefit types.

Cause-and-Effect

A cause-and-effect relationship assigns approximately $3,059.5 million, or 69 percent, of the $4,444.1 million average annual cost projection. USCIS assigns resources to each fee review activity based on operational data or other assumptions. It then assigns activity costs to outputs by a prorated share of immigration benefit request volume or immigration benefit request volume weighted by adjudication processing time.

Reasonable and Consistent Allocation

USCIS uses reasonable and consistent allocation to assign approximately $928.6 million, or 21 percent, of the $4,444.1 million average annual cost projection. These costs are mostly attributable to service-wide information technology, rent, and guard services. They include the following:

- $392.9 million for information technology costs, which are reassigned to other fee review activities across USCIS;
- $274.9 million in rent and guard services; and
- $260.8 million for mission support costs, which are reassigned to other activities in the same office as the costs originate.

[9] USCIS used Consular Affairs cost estimates by immigration benefit request in the FY 2019/2020 fee review. These costs are added to the immigration benefit requests that Consular Affairs processes on behalf of USCIS.

ADDENDUM

DHS published a NPRM on November 14, 2019. *See* U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements; Proposed Rule, 84 FR 62280. USCIS provided the FY 2019/2020 Immigration Examinations Fee Account (IEFA) Fee Review Supporting Documentation, in the public docket. See http://www.regulations.gov, docket number USCIS-2019-0010.

PUBLIC COMMENTS ON THE PROPOSED RULE

DHS provided a total of 61 days to comment on the NPRM. In response to public comments, DHS provides additional information to include:

- On Feb. 3, 2020, USCIS presented the ABC software to public commenter who requested an appointment during the comment period. There are minor changes throughout this document as a result of that briefing. For example, Appendix Figure 2 is a visual aid from the briefing.
- Added Appendix VI – Projected Total Cost by Immigration Benefit Request. The table in this section lists the estimated total cost for various cost objects in the ABC model. Previous fee rules only showed a fee-paying unit cost, called the Model Output. USCIS divides the projected total cost by the projected fee-paying receipts to calculate the Model Output. At least one commenter misunderstood how USCS uses ABC model results. This new table may help make the results of the ABC model more transparent.
- Added Appendix X – Operational Metrics in the Fee Review, which repeats tables from the NPRM preamble, but with minor changes. See the Changes in the Final Rule section for more information on what changed.
- Other clarifying edits or additional context throughout this document.

CORRECTIONS

DHS makes the following corrections to this document:

- Added Appendix V – Fee Waivers. The NPRM preamble[10] stated there was a fee waiver section; however, it did not exist in that version of the document.

CHANGES IN THE FINAL RULE

DHS is adopting the NPRM with changes, as discussed in the final rule. Below is a partial list of the changes. Some in the final rule may not affect this document or the analysis that it describes. The following items focus on changes that affect this document or fees in general:

[10] *See* 84 FR 62300.

- The NPRM included $207.6 million for Immigration and Customs Enforcement (ICE). USCIS removed this from the ABC model in the final rule.
- USCIS removed DACA costs, revenue, and volume from the ABC model used for this final rule. It is now consistent with the FY 2016/2017 fee rule, which did not include DACA. In the final rule, DHS did not change the Form I-765 fees for DACA requestors. The Form I-765 remains $410 and the biometric services fee remains $85 for DACA-related I-765s only.
- For this final rule, USCIS reevaluated the resource driver assignments for various National Records Center (NRC) contracts. The NPRM used NRC staffing by activity to split most of its contracts between Records Management and Research Genealogy activities. After reevaluating NRC contracts, USCIS determined that some do not contribute to genealogy research. Reassigning these contract costs only to Records Management removed approximately $0.9 million from the Research Genealogy activity. Consequently, final genealogy fees are lower than the proposed fees.
- In this final rule, USCIS realigned $10 million of anticipated IEFA costs for the Office of Citizenship to account for citizenship grants appropriations received via the FY 2019 – 2020 DHS appropriation bills. In the NPRM, $10 million was in the cost baseline because USCIS did not receive appropriations for citizenship grants in FY 2018. This final rule reassigns $10 million to fund other USCIS initiatives. In other words, $10 million is reassigned to all immigration benefit requests, not just naturalization services. Consequently, naturalization-related forms are less than initially proposed in the NPRM.
- Fee-paying volumes for Forms N-400, N-600, and N-600K: In response to public comments, DHS provides that the fee for naturalization forms will remain fee waivable for VAWA self-petitioners, T visa recipients, U visa recipients, SIJs who have been placed in out-of-home care under the supervision of a juvenile court or a state child welfare agency, and Special Immigrant Afghan and Iraqi translators. DHS is aware of the United Nations' Universal Declaration of Human Rights and agrees with the declaration's article 15, which provides that everyone has the right to a nationality and no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.[11]
- Provides a $50 reduction in the fee for Form I-485, Application to Register Permanent Residence or Adjust Status, filed in the future for principal applicants who pay the $50 fee for Form I-589 and are subsequently granted asylum.
- Provides that the fee for forms currently available for online filing will be $10 less than the fee for paper forms.
- Requires a separate $30 biometric services fee for Form I-765 filed by pending asylum applicants and applicants for status as a long-term resident from the Commonwealth of the Northern Mariana Islands (CNMI). New 8 CFR 106.2(a)(32)(i).

[11] *See* Universal Declaration of Human Rights, Available at https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf (last viewed March 16, 2020).

- Other changes as outlined in the final rule.

SUMMARY OF FINAL FEES

DHS bases final fees on the FY 2019/2020 revised cost baseline estimate that is outlined in the final rule. Table 5 excludes fees established and required by statute as well as those that DHS cannot adjust. The table only calculates the change in the current fee. If an applicant, petitioner, or requestor must file additional forms as a result of policy changes in this rule, then the individual changes to a single fee may not represent the total change in fees for every circumstance.

Table 5: Summary of Final Fees

Immigration Benefit Request	Current Fee	Final Fee	Change ($)	Percentage Change
I-90 Application to Replace Permanent Resident Card (online filing)	$455	$405	-$50	-11 percent
I-90 Application to Replace Permanent Resident Card (paper filing)	$455	$415	-$40	-9 percent
I-102 Application for Replacement/Initial Nonimmigrant Arrival-Departure Document	$445	$485	$40	9 percent
I-129 Petition for a Nonimmigrant worker	$460	N/A	N/A	N/A
I-129CW, I-129E&TN, and I-129MISC	$460	$695	$235	51 percent
I-129H1B	$460	$555	$95	21 percent
I-129H2A - Named Beneficiaries	$460	$850	$390	85 percent
I-129H2B - Named Beneficiaries	$460	$715	$255	55 percent
I-129L	$460	$805	$345	75 percent
I-129O	$460	$705	$245	53 percent
I-129H2A - Unnamed Beneficiaries	$460	$415	-$45	-10 percent
I-129H2B - Unnamed Beneficiaries	$460	$385	-$75	-16 percent
I-129F Petition for Alien Fiancé(e)	$535	$510	-$25	-5 percent
I-130 Petition for Alien Relative (online filing)	$535	$550	$15	3 percent
I-130 Petition for Alien Relative (paper filing)	$535	$560	$25	5 percent
I-131 Application for Travel Document	$575	$590	$15	3 percent
I-131 Refugee Travel Document for an individual age 16 or older	$135	$145	$10	7 percent
I-131 Refugee Travel Document for a child under the age of 16	$105	$115	$10	10 percent
I-131A Application for Travel Document (Carrier Documentation)	$575	$1,010	$435	76 percent
I-140 Immigrant Petition for Alien Worker	$700	$555	-$145	-21 percent
I-191 Application for Relief Under Former Section 212(c) of the Immigration and Nationality Act (INA)	$930	$790	-$140	-15 percent

Immigration Benefit Request	Current Fee	Final Fee	Change ($)	Percentage Change
I-192 Application for Advance Permission to Enter as Nonimmigrant (CBP)[12]	$585	$1,400	$815	139 percent
I-192 Application for Advance Permission to Enter as Nonimmigrant (USCIS)	$930		$470	51 percent
I-193 Application for Waiver of Passport and/or Visa	$585	$2,790	$2,205	377 percent
I-212 Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal	$930	$1,050	$120	13 percent
I-290B Notice of Appeal or Motion	$675	$700	$25	4 percent
I-360 Petition for Amerasian, Widow(er), or Special Immigrant	$435	$450	$15	3 percent
I-485 Application to Register Permanent Residence or Adjust Status[13]	$1,140	$1,130	-$10	-1 percent
	$750		$380	51 percent
I-526 Immigrant Petition by Alien Investor[14]	$3,675	$4,010	$335	9 percent
I-539 Application to Extend/Change Nonimmigrant Status (online filing)	$370	$390	$20	5 percent
I-539 Application to Extend/Change Nonimmigrant Status (paper filing)	$370	$400	$30	8 percent
I-589 Application for Asylum and for Withholding of Removal	$0	$50	$50	N/A
I-600/600A Adoption Petitions and Applications	$775	$805	$30	4 percent
I-600A Supplement 3 Request for Action on Approved Form I-600A	N/A	$400	N/A	N/A
I-601 Application for Waiver of Ground of Excludability	$930	$1,010	$80	9 percent
I-601A Provisional Unlawful Presence Waiver	$630	$960	$330	52 percent
I-612 Application for Waiver of the Foreign Residence Requirement (Under Section 212(e) of the INA, as Amended)	$930	$515	-$415	-45 percent
I-687 Application for Status as a Temporary Resident	$1,130	$1,130	$0	0 percent
I-690 Application for Waiver of Grounds of Inadmissibility	$715	$765	$50	7 percent
I-694 Notice of Appeal of Decision	$890	$715	-$175	-20 percent

[12] Because the FY 2016/2017 fee review and resulting fee change were based on USCIS's costs for processing inadmissibility waivers and not CBP's costs, the Form I-192 fee remained $585 when filed with and processed by CBP. *See* 8 CFR 103.7(b)(1)(i)(P); 81 FR 73307.

[13] Currently, there are two fees for Form I-485. *See* 8 CFR 103.7(b)(1)(i)(U). The $750 fee is applied to "an applicant under the age of 14 years when [the application] is (i) submitted concurrently with the Form I-485 of a parent, (ii) the applicant is seeking to adjust status as a derivative of his or her parent, and (iii) the child's application is based on a relationship to the same individual who is the basis for the child's parent's adjustment of status, or under the same legal authority as the parent." *See* 84 FR 62305. With this rule, DHS removes the reduced child fee. *See* section III.G.11.b. Form I-485 Child Fee of the preamble. Additionally, DHS adds a $1,080 fee for certain asylum applicants. *See* section III.G.11.c.Form I-485 Reduced Fee for Asylees of the preamble; new 8 CFR 106.2(a)(17)(ii).

[14] Previously named Form I-526, Immigrant Petition by Alien Entrepreneur. The EB-5 Modernization Final Rule changed the name of this form. *See* 84 FR 35750.

Immigration Benefit Request	Current Fee	Final Fee	Change ($)	Percentage Change
I-698 Application to Adjust Status from Temporary to Permanent Resident (Under Section 245A of the INA)	$1,670	$1,615	-$55	-3 percent
I-751 Petition to Remove Conditions on Residence	$595	$760	$165	28 percent
I-765 Application for Employment Authorization (Non-DACA)	$410	$550	$140	34 percent
I-765 Application for Employment Authorization (DACA only)[15]	$410	$410	$0	0 percent
I-800/800A Adoption Petitions and Applications	$775	$805	$30	4 percent
I-800A Supplement 3 Request for Action on Approved Form I-800A	$385	$400	$15	4 percent
I-817 Application for Family Unity Benefits	$600	$590	-$10	-2 percent
I-824 Application for Action on an Approved Application or Petition	$465	$495	$30	6 percent
I-829 Petition by Entrepreneur to Remove Conditions	$3,750	$3,900	$150	4 percent
I-881 Application for Suspension of Deportation or Special Rule Cancellation of Removal[16]	$285	$1,810	$1,525	535 percent
	$570		$1,240	218 percent
I-910 Application for Civil Surgeon Designation	$785	$635	-$150	-19 percent
I-924 Application For Regional Center Designation Under the Immigrant Investor Program	$17,795	$17,795	$0	0 percent
I-924A Annual Certification of Regional Center	$3,035	$4,465	$1,430	47 percent
I-929 Petition for Qualifying Family Member of a U-1 Nonimmigrant	$230	$1,485	$1,255	546 percent
N-300 Application to File Declaration of Intention	$270	$1,305	$1,035	383 percent
N-336 Request for Hearing on a Decision in Naturalization Proceedings (online filing)	$700	$1,725	$1,025	146 percent
N-336 Request for Hearing on a Decision in Naturalization Proceedings (paper filing)	$700	$1,735	$1,035	148 percent
N-400 Application for Naturalization (online filing)	$640	$1,160	$520	81 percent
N-400 Application for Naturalization (paper filing)[17]	$640	$1,170	$530	83 percent
	$320		$850	266 percent
N-470 Application to Preserve Residence for Naturalization Purposes	$355	$1,585	$1,230	346 percent
N-565 Application for Replacement Naturalization/Citizenship Document (online filing)	$555	$535	-$20	-4 percent

[15] DHS will maintain the DACA fees as in effect before the rescission on September 5, 2017 at $410 for employment authorization and $85 for biometric services. *See* section III.C.6 of the preamble; new 8 CFR 106.2(a)(32)(vi).

[16] Currently there are two USCISs fees for Form I-881: $285 for individuals and $570 for families. *See* 8 CFR 103.7(b)(1)(i)(QQ)(1). EOIR has a separate $165 fee. DHS does not change the EOIR fee with this rule.

[17] Currently, there are two fees for paper filing of Form N-400. *See* 8 CFR 103.7(b)(1)(i)(BBB). This final rule eliminates the reduced fee option for an applicant whose documented income is greater than 150 percent and not more than 200 percent of the Federal poverty level. *See* section III.G.24.c of the preamble or 84 FR 62317 for the proposed rule.

Immigration Benefit Request	Current Fee	Final Fee	Change ($)	Percentage Change
N-565 Application for Replacement Naturalization/Citizenship Document (paper filing)	$555	$545	-$10	-2 percent
N-600 Application for Certificate of Citizenship (online filing)	$1,170	$990	-$180	-15 percent
N-600 Application for Certificate of Citizenship (paper filing)	$1,170	$1,000	-$170	-15 percent
N-600K Application for Citizenship and Issuance of Certificate (online filing)	$1,170	$935	-$235	-20 percent
N-600K Application for Citizenship and Issuance of Certificate (paper filing)	$1,170	$945	-$225	-19 percent
USCIS Immigrant Fee	$220	$190	-$30	-14 percent
Biometric Services (Non-DACA)[18]	$85	$30	-$55	-65 percent
Biometric Services (DACA only)[19]	$85	$85	$0	0 percent
G-1041 Genealogy Index Search Request (online filing)	$65	$160	$95	146 percent
G-1041 Genealogy Index Search Request (paper filing)	$65	$170	$105	162 percent
G-1041A Genealogy Records Request (online filing)	$65	$255	$190	292 percent
G-1041A Genealogy Records Request (paper filing)	$65	$265	$200	308 percent

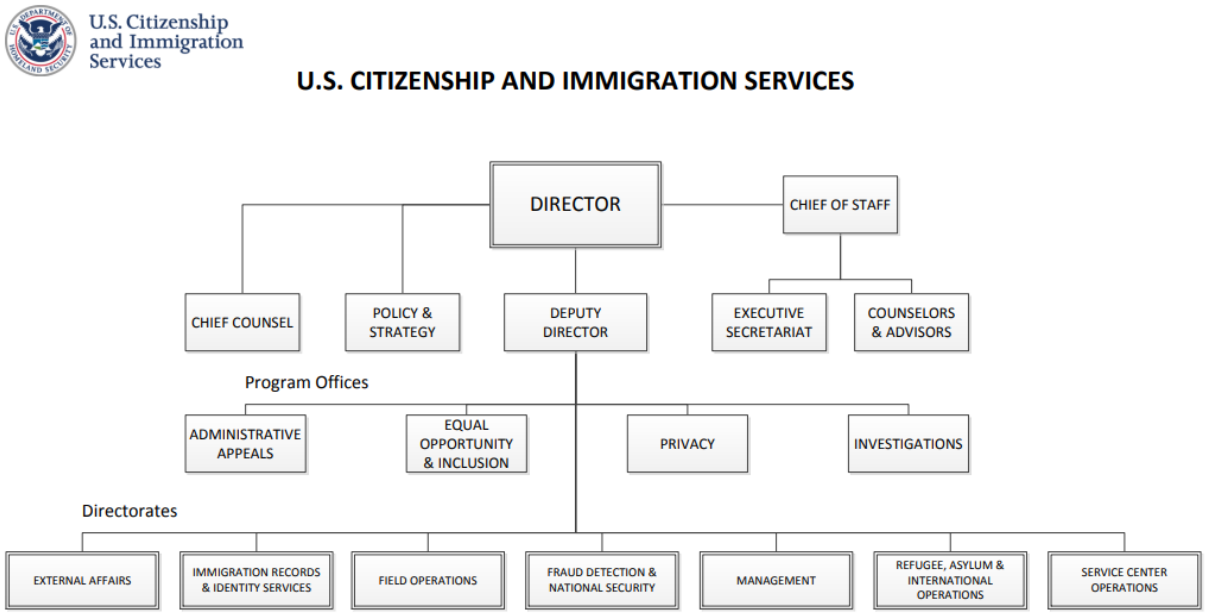
[18] As explained in the preamble and NPRM, this rule only requires the separate biometric services fee in certain cases. *See* section III.G.2. Biometric Services Fee of the preamble; 84 FR 62302; new 8 CFR 103.7(a)(2), 106.2(a)(32)(i), and 106.2(a)(37)(iii).
[19] See footnote 15.

APPENDICES

APPENDIX I – USCIS OFFICES

Below is USCIS' organizational chart as of the publication date of this final rule. For additional information on the offices within USCIS, visit http://www.uscis.gov/about-us.

Appendix Figure 1: USCIS Organizational Chart



APPENDIX II – USCIS FUNDING AND ACCOUNT STRUCTURE

Per the FY 2019 enacted DHS budget authority, USCIS receives funding authority through four accounts as identified below.

1. Discretionary Appropriations[20]
2. Immigration Examinations Fee Account (mandatory fees)[21]
3. Fraud Prevention and Detection Account (mandatory fees)
4. H-1B Nonimmigrant Petitioner Account (mandatory fees)

Discretionary Appropriations

USCIS' Discretionary Appropriations include the Operations and Support (O&S) and the Procurement, Construction, and Improvements (PC&I) accounts. The O&S appropriation provides funding for ongoing mission operations, mission support, and associated management and administration (M&A) costs for the E-Verify program. The PC&I appropriation funds the planning and acquisition/development costs for the E-Verify program. USCIS also received a Federal Assistance appropriation in FY 2019 and FY 2020 for the Citizenship and Assimilation Grant Program.

Immigration Examinations Fee Account (IEFA)

The IEFA is the primary funding source for USCIS. It accounts for approximately 96 percent of the FY 2020 total enacted budget authority. Fees collected from the filing of immigration benefit requests are deposited into the IEFA and used to fund the cost for providing adjudication and naturalization services including the costs of services provided without charge to asylum applicants and other immigrants whose fees are waived or to whom a fee exemption applies.

Certain IEFA fees are set by statute:

- The filing fee for TPS is set at $50 for initial registration; renewals are free of charge.[22] DHS may impose a separate, additional fee for providing employment authorization documentation.[23]
- Premium processing service is available for certain employment-based petitions. Congress originally set the fee at $1,000 and authorized USCIS to adjust the fee by inflation as measured by the Consumer Price Index (CPI). The current premium processing fee is $1,440. Employers requesting premium processing for their petitions pay this fee in addition to the regular petition fee. USCIS currently only offers premium processing service to filers of Forms I-129 and I-140.
- CNMI education funding fee of $200. DHS has the authority to adjust this fee by inflation, similar to the premium processing service fee, starting in 2020.[24]

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[20] Discretionary spending is the budget authority provided by annual appropriations acts and the outlays that result from that budget authority. For example, the budget authority and outlays for the salaries and other operating expenses of Government agencies are usually provided by annual appropriations acts and, therefore, are often discretionary.

[21] Mandatory spending is budget authority and outlays provided by permanent laws. For example, permanent laws authorize payments for Medicare and Medicaid, unemployment insurance benefits, and farm price supports. Therefore, the budget authority and outlays for these programs are mandatory. In addition, budget authority provided in annual appropriations acts for certain programs is treated as mandatory because the authorizing legislation directs that the Government make or beneficiaries receive payment.

[22] Section 244(c)(1)(B) of the INA, 8 U.S.C. 1254a(c)(1)(b).

[23] *See* 8 U.S.C. 1254b.

[24] The Northern Mariana Islands U.S. Workforce Act of 2018, Pub. L. No. 115-218, Sec. 3, 132 Stat. 1547 (2018) codified at 48 USC 1806(a)(6)(A)(ii) (2018).

- LIFE Act penalty fee of $1,000.

Appendix Table 1: FY 2019 – 2020 Enacted IEFA by Program/Activity

Program, Project, and Activity	FY 2019 Enacted	FY 2020 Enacted
Adjudication Services		
District Operations	$1,883,816,000	$1,934,033,000
Service Center Operations	$731,654,000	$746,687,000
Asylum, Refugee, and International Ops	$337,544,000	$349,295,000
Records Operations	$152,649,000	$155,150,000
Premium Processing (including Transformation)	$648,007,000	$658,190,000
Subtotal	**$3,753,670,000**	**$3,843,355,000**
Information and Customer Services	**$119,450,000**	**$125,335,000**
Administration	**$616,622,000**	**$651,808,000**
Systematic Alien Verification for Entitlements (SAVE)	**$35,112,000**	**$34,868,000**
Grand Total	**$4,524,854,000**	**$4,655,366,000**

Fraud Prevention and Detection Account

The Fraud Prevention and Detection fees charged to certain employers petitioning for nonimmigrant workers in the H-1B, H-2B, and L-1 visa classifications are set by statute. Revenue is used for activities related to preventing and detecting fraud in immigration benefit requests as stipulated in the H-1B Visa Reform Act of 2004, and later amended by Public Law 109-13, Section 403. Revenue is shared equally among USCIS, DOS, and DOL. Effective July 25, 2018, USCIS also collects and retains the $50 CNMI fraud fee, as stipulated in the Northern Mariana Island U.S. Workforce Act of 2018.

H-1B Nonimmigrant Petitioner Account

H-1B fees are set by statute as a result of the ACWIA of 1998, as amended by the H-1B Visa Reform Act of 2004. Revenue is shared among USCIS, DOL, and NSF. USCIS receives 5 percent of these funds.

APPENDIX III – USCIS ACTIVITY-BASED COSTING TERMINOLOGY

The various terms used throughout this document to discuss ABC are defined as follows:

- **Resource** – An economic element applied or used to perform activities. For example, labor, equipment, supplies, and facilities. Resources include direct and indirect costs. Generally, the term "indirect" includes overhead items or costs requiring a resource driver to spread them to activities. USCIS resources for the FY 2019/2020 fee review are outlined in section III.K.4 Cost Baseline of the final rule.

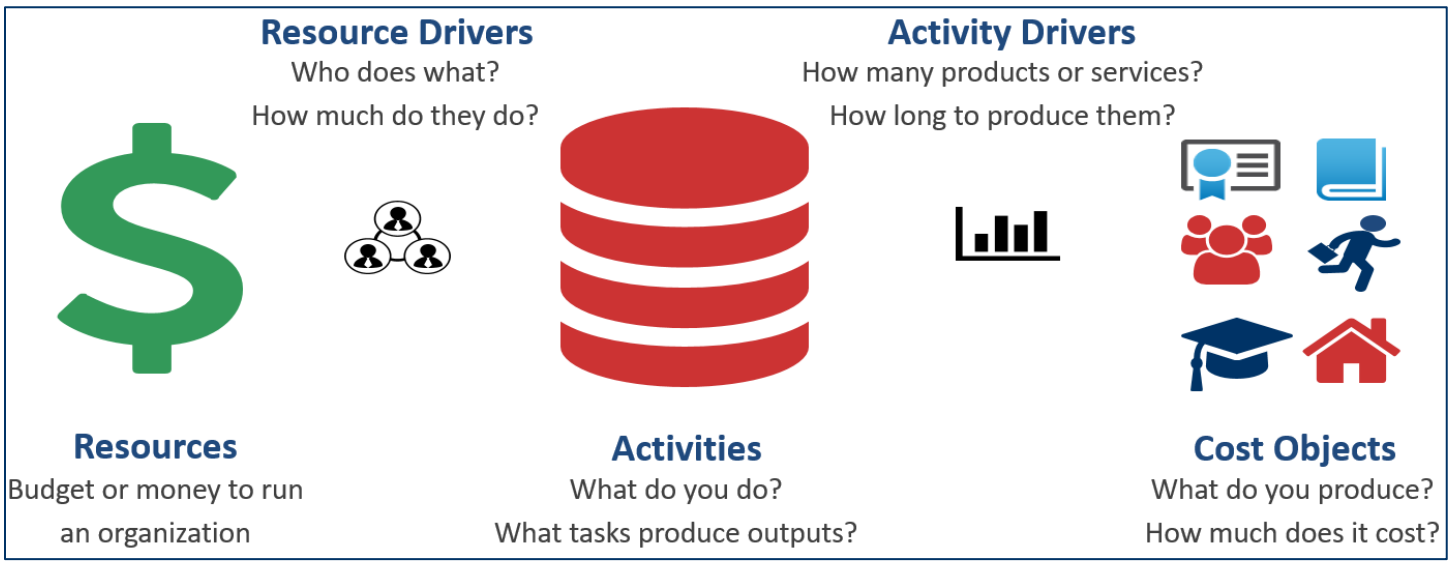
- **Resource Driver** – A measure of the amount of resources consumed by an activity. For example, the amount of time spent on an activity.

- **Activity** – The work performed within an organization. For example, accepting and adjudicating immigration benefit requests, entering data, updating records, etc. These activities consume resources. They ultimately produce outputs (cost objects).

- **Activity Driver** – A measure of the frequency and intensity of the demands for activities by cost objects. For the FY 2019/2020 fee review, activity drivers are projected immigration benefit request volumes, projected adjudication hours, completion rates, and other information. They link activities to cost objects.

- **Cost Object** – The primary output of an activity or series of activities. A cost object may be a product, service, or project. For the purposes of the FY 2019/2020 fee review, cost objects are the various immigration benefit requests that USCIS adjudicates.

Appendix Figure 2: ABC Concept and Terminology



APPENDIX IV – COSTS BY ACTIVITY

Appendix Table 2 summarizes the ABC model activity costs. See the Activities section for definitions of these activities.

Appendix Table 6: Projected IEFA Costs by Activity (Dollars in Millions)

Activity	FY 2019	FY 2020	FY 2019/2020 Average
Conduct TECS Check	$139.7	$148.6	$144.2
Direct Costs	$58.6	$59.6	$59.1
Fraud Detection and Prevention	$335.8	$378.7	$357.3
Inform the Public	$392.0	$412.8	$402.4
Intake	$128.8	$131.8	$130.3
Issue Document	$68.3	$69.7	$69.0
Make Determination	$1,644.3	$1,753.5	$1,698.9
Management and Oversight	$951.0	$972.1	$961.6
Perform Biometrics Services subtotal	$219.3	$224.8	$222.1
Manage Biometric Services	$67.8	$70.4	$69.1
Capture Biometric Data	$82.2	$83.6	$82.9
Check Fingerprints	$30.6	$31.2	$30.9
Check Name	$38.8	$39.6	$39.2
Records Management	$346.0	$355.2	$350.6
Research Genealogy	$1.3	$1.3	$1.3
Systematic Alien Verification for Entitlements	$46.8	$48.1	$47.5
Total IEFA Costs	**$4,332.0**	**$4,556.4**	**$4,444.2**

APPENDIX V – FEE WAIVERS

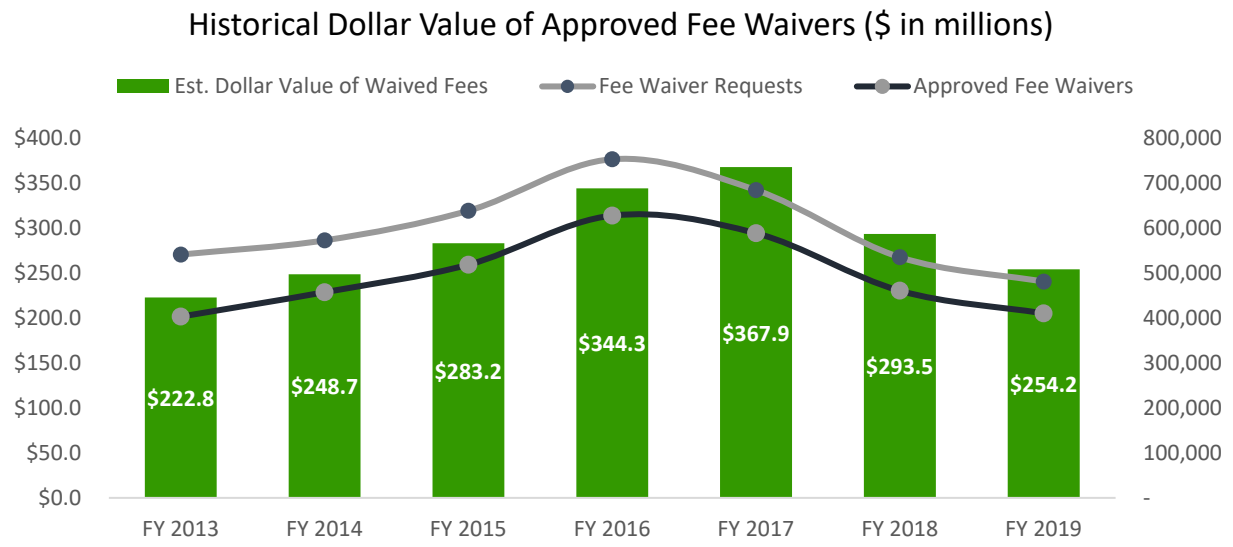
Under the fee waiver policy established before this final fee rule's effective date, USCIS developed a fee waiver request form (Form I-912, Request for Fee Waiver) and process for certain forms and benefit types.[25] [26] Applicants and petitioners could request that certain filing and biometrics (if applicable) fees be waived if the form being filed was eligible for a fee waiver and the applicant or petitioner was able to demonstrate one of the following criteria:

- Current receipt of a means-tested benefit;
- Household income at or below 150 percent of the Federal poverty level; or
- Extreme financial hardship.

The 2010 fee rule also authorized the USCIS Director to approve and suspend exemptions from fees, or provide that the fee may be waived for a case or class of cases that is not otherwise provided in 8 CFR 103.7(c).[27]

While USCIS tracks some fee waiver data, such as request, approval, and denial volumes, fees waived for biometric services are not adequately captured and are underreported in financial estimates. Additionally, USCIS fee waiver data lacks the granularity necessary to delineate waived fees for forms with multiple filing fees. In order to estimate the dollar value of approved fee waiver requests, USCIS applies the higher fee in these cases. USCIS calculates these estimates by multiplying the approved fee waiver volume for a particular form by the form filing fee.[28] Appendix Figure 3 is a historical summary of USCIS fee waiver information relevant to the fee waiver policies in place before this final rule's effective date.

Appendix Figure 3: Historical Fee Waiver Summary



[25] See Policy Memorandum, PM-602-0011.1 "Fee Waiver Guidelines as Established by the Final Rule of the USCIS Fee Schedule; Revisions to Adjudicator's Field Manual (AFM) Chapter 10.9, AFM Update AD11-26" (March 13, 2011) ("Fee Waiver Policy").
[26] See 8 CFR 103.7(c).
[27] See 75 FR 58990; 8 CFR 103.7(d).
[28] Since USCIS includes a projection for fee waivers/fee exemptions when setting its fees to recover full cost, it does not forgo revenue unless the total dollar amount of actual fee waivers/fee exemptions exceeds the projected amount that was included in the fee setting process. The dollar amount of actual fee waivers/fee exemptions in excess of the projected amount included in the fee setting process is considered foregone revenue.

APPENDIX VI – PROJECTED TOTAL COST BY IMMIGRATION BENEFIT REQUEST

USCIS uses specialized software to estimate the total cost for each of the cost objects below. See the Activity-Based Cost (ABC) Model section for more information. Total cost represents a portion of direct and indirect costs. USCIS divides the total cost by fee-paying receipts to determine a fee-paying unit cost, called the Model Output. The model output informs the USCIS fee schedule. Appendix Table 3 lists all cost objects in the ABC model, including workloads without fees. By listing all cost objects, the last row equals the total FY 2019/2020 fee review cost baseline.

These are only estimates. They are not prior year actual expenses. USCIS does not track actual costs by immigration benefit request.

Appendix Table 7: Total Cost

Cost Object	Total Cost	Fee-Paying Receipts	Model Output
I-90 Application to Replace Permanent Resident Card	$236,256,578	682,722	$346
I-102 Application for Replacement/Initial Nonimmigrant Arrival-Departure Document	$2,907,047	7,155	$406
I-129 Petition for a Nonimmigrant Worker Subtotal	$274,988,069	553,266	$497
I-129CW, I-129E&TN, and I-129MISC	$25,408,153	43,491	$584
I-129H1 - Named Beneficiaries	$197,695,827	423,304	$467
I-129H2A - Named Beneficiaries	$2,827,170	3,962	$714
I-129H2B - Named Beneficiaries	$1,351,486	2,256	$599
I-129L - Named Beneficiaries	$28,129,004	41,502	$678
I-129O	$15,059,931	25,456	$592
I-129H2A - Unnamed Beneficiaries	$3,119,173	8,981	$347
I-129H2B - Unnamed Beneficiaries	$1,397,325	4,315	$324
I-129F Petition for Alien Fiance(e)	$20,580,679	47,923	$429
I-130 Petition for Alien Relative	$452,903,891	976,398	$464
I-131 Application for Travel Document	$143,870,065	291,068	$494
I-131 Refugee Travel Document	$7,493,936	21,962	$341
I-131A Application for Travel Document (Carrier Documentation)	$8,311,344	9,799	$848
I-140 Immigrant Petition for Alien Worker	$74,966,153	161,000	$466
I-290B Notice of Appeal or Motion	$40,598,364	20,705	$1,961
I-360 Petition for Amerasian Widow(er) or Special Immigrant	$23,439,921	4,224	$5,549
I-407 Abandonment of Lawful Permanent Resident Status	$10,005,187	-	N/A
I-485 Application to Register Permanent Residence or Adjust Status	$484,243,522	510,926	$948
I-526 Immigrant Petition by Alien Investor	$47,116,853	14,000	$3,365
I-539 Application to Extend/Change Nonimmigrant Status	$74,087,448	223,903	$331
I-589 Application for Asylum and for Withholding of Removal	$287,204,344	163,000	$1,762
I-590 Registration for Classification as Refugee	$79,238,804	-	N/A
I-600/600A/800/800A Adoption Petitions and Applications	$8,710,738	6,142	$1,418
I-600A Supplement 3 Request for Action on Approved Form I-600A	$920,926	768	$1,199
I-601A Provisional Unlawful Presence Waiver	$54,033,483	67,000	$806
I-604 Determination on Child for Adoption	$400,100	-	N/A
I-687 Application for Status as a Temporary Resident	$-	-	N/A
I-690 Application for Waiver of Grounds of Inadmissibility	$16,014	25	$641
I-694 Notice of Appeal of Decision	$6,016	10	$602
I-698 Application to Adjust Status from Temporary to Permanent Resident (Under Section 245A of the INA)	$135,727	100	$1,357
I-730 Refugee/Asylee Relative Position (and Travel Eligibility)	$26,317,175	-	N/A
I-751 Petition to Remove Conditions on Residence	$94,834,579	148,918	$637
I-765 Application for Employment Authorization	$713,222,334	1,539,995	$463
I-765V Application for Employment Authorization for Abused Nonimmigrant Spouse	$349,450	-	N/A
I-800A Supplement 3 Request for Action on Approved Form I-800A	$926,940	768	$1,207

Cost Object	Total Cost	Fee-Paying Receipts	Model Output
I-817 Application for Family Unity Benefits	$676,866	1,368	$495
I-824 Application for Action on an Approved Application or Petition	$4,628,774	11,147	$415
I-829 Petition by Entrepreneur to Remove Conditions	$11,456,207	3,500	$3,273
I-881 Application for Suspension of Deportation or Special Rule Cancellation of Removal	$516,201	340	$1,518
I-910 Application for Civil Surgeon Designation	$283,427	530	$535
I-914 T Nonimmigrant Status	$2,294,311	-	N/A
I-918 U Nonimmigrant Status	$92,022,268	-	N/A
I-924 Application For Regional Center Designation Under the Immigrant Investor Program	$5,725,487	520	$11,011
I-924A Annual Certification of Regional Center	$3,559,798	950	$3,747
I-929 Petition for Qualifying Family Member of a U-1 Nonimmigrant	$1,262,579	1,013	$1,247
N-300 Application to File Declaration of Intention	$4,389	4	$1,097
N-336 Request for Hearing on a Decision in Naturalization Proceedings	$5,628,813	3,873	$1,454
N-400 Application for Naturalization	$789,417,632	805,860	$980
N-470 Application to Preserve Residence for Naturalization Purposes	$142,271	107	$1,330
N-565 Application for Replacement Naturalization/Citizenship Document	$10,610,618	23,458	$452
N-600/N-600K Application for Certificate of Citizenship Subtotal	$41,262,136	49,522	$833
N-600 Application for Certificate of Citizenship	$38,919,132	46,554	$836
N-600K Application for Citizenship and Issuance of Certificate	$2,343,004	2,968	$789
N-644 Application for Posthumous Citizenship	$-	-	N/A
USCIS Immigrant Fee	$90,220,196	572,425	$158
Waiver Form Subtotal	$48,265,134	58,098	$831
I-191 Application for Relief Under Former Section 212(c) of the Immigration and Nationality Act (INA)	$172,927	260	$665
I-192 Application for Advance Permission to Enter as Nonimmigrant	$24,583,235	22,780	$1,079
I-193 Application for Waiver of Passport and/or Visa	$30,458	7,672	$4
I-212 Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal	$5,375,537	6,085	$883
I-601 Application for Waiver of Ground of Excludability	$17,595,477	20,711	$850
I-602 Application By Refugee For Waiver of Grounds of Excludability	$252,627	-	N/A
I-612 Application for Waiver of the Foreign Residence Requirement (Under Section 212(e) of the INA, as Amended)	$254,873	590	$432
Genealogy Form Subtotal	$1,418,837	7,200	$197
G-1041 Genealogy Index Search Request	$760,529	4,650	$164
G-1041A Genealogy Records Request	$658,309	2,550	$258
Auto Cert Citz (No Fee)	$1,825,533	-	N/A
Credible Fear	$88,505,094	-	N/A
DNA Collection	$4,866,177	-	N/A
Overseas Verifications	$1,985,973	-	N/A
Reasonable Fear	$22,030,085	-	N/A
SAVE reimbursable workload	$47,487,796	20,882,187	$2
Total Applications/Petitions/Requests	$4,444,182,291	27,873,875	$159

APPENDIX VII – FINAL FEES BY IMMIGRATION BENEFIT REQUEST

Appendix Table 4: Final Fees by Immigration Benefit Request

Immigration Benefit Request	Current Fees	Model Output[29]	Cost Reallocation[30]	Average Final Fees[31]	Change in Fees	Percent Change in Fees
I-90 Application to Replace Permanent Resident Card	$455	$346	$64	$410	-$45	-10%
I-102 Application for Replacement/Initial Nonimmigrant Arrival-Departure Document	$445	$406	$79	$485	$40	9%
I-129 Petition for a Nonimmigrant Worker Subtotal	$460	$497	N/A	N/A	N/A	N/A
I-129CW, I-129E&TN, and I-12	$460	$467	$88	$555	$95	21%
I-129H1 - Named Beneficiaries	$460	$714	$136	$850	$390	85%
I-129H2A - Named Beneficiaries	$460	$599	$116	$715	$255	55%
I-129H2B - Named Beneficiaries	$460	$678	$127	$805	$345	75%
I-129L - Named Beneficiaries	$460	$592	$113	$705	$245	53%
I-129O	$460	$584	$111	$695	$235	51%
I-129H2A - Unnamed Beneficiaries	$460	$347	$68	$415	-$45	-10%
I-129H2B - Unnamed Beneficiaries	$460	$324	$61	$385	-$75	-16%
I-129F Petition for Alien Fiancé(e)	$535	$429	$81	$510	-$25	-5%
I-130 Petition for Alien Relative	$535	$464	$91	$555	$20	4%
I-131 Application for Travel Document	$575	$494	$96	$590	$15	3%
I-131 Refugee Travel Document for an individual age 16 or older	$135	$346	-$201	$145	$10	7%
I-131 Refugee Travel Document for a child under the age of 16	$105	$265	-$150	$115	$10	10%
I-131A Application for Travel Document (Carrier Documentation)	$575	$848	$162	$1,010	$435	76%
I-140 Immigrant Petition for Alien Worker	$700	$466	$89	$555	-$145	-21%
I-191 Application for Relief Under Former Section 212(c) of the Immigration and Nationality Act (INA)	$930	$665	$125	$790	-$140	-15%
I-192 Application for Advance Permission to Enter as Nonimmigrant	$930	$1,174	$226	$1,400	$470	51%
I-193 Application for Waiver of Passport and/or Visa	$585	$2,344	$446	$2,790	$2,205	377%
I-212 Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal	$930	$883	$167	$1,050	$120	13%
I-290B Notice of Appeal or Motion	$675	$1,961	-$1,261	$700	$25	4%
I-360 Petition for Amerasian Widow(er) or Special Immigrant	$435	$5,549	-$5,099	$450	$15	3%
I-485 Application to Register Permanent Residence or Adjust Status	$1,140	$948	$182	$1,130	-$10	-1%
I-526 Immigrant Petition by Alien Investor	$3,675	$3,365	$645	$4,010	$335	9%
I-539 Application to Extend/Change Nonimmigrant Status	$370	$331	$64	$395	$25	7%
I-589 Application for Asylum and for Withholding of Removal[32]	$0	$366	-$316	$50	$50	N/A

[29] Model Output is the projected total cost from the ABC model divided by projected fee-paying volume. It is only a forecast unit cost (using a budget forecast) and not the actual unit cost (using prior year actual expenses). USCIS does not track actual costs by immigration benefit request.

[30] The final step in the USCIS fee-setting methodology is Cost Reallocation, which determines the additional cost that USCIS adds to each fee to ensure full cost recovery. Cost Reallocation proportionally assigns costs incurred to provide services for which USCIS does not receive revenue (e.g., workloads without fees) and from forms for which the fees are held below projected cost (e.g. to the 4% weighted average increase) or other policy decisions (e.g., limited increases for adoption fees and the proposed $50 fee for Form I-589 are below projected cost).

[31] The sum of the Model Output and the Cost Reallocation columns may not equal the final fee because of rounding. Amounts shown in the table are rounded to the nearest dollar. DHS rounds all IEFA final fees to the nearest $5 increment. If an online filing discount applies to the final fee, then this column uses the average of the two fees.

[32] In the FY 2019/2020 fee review, USCIS estimates that the cost of adjudicating Form I-589 is approximately $366. It represents the Asylum Division's salaries and Make Determination activity costs from the ABC model. It does not represent the full cost. It does not include estimated costs from any other Asylum Division activities or any other office within USCIS. See Appendix Tables 5 and 6 for the total activity unit costs of the additional offices and activities for Form I-589. The $50 fee is less than the cost of adjudication, as explained in the final rule preamble and NPRM. *See* section III.G.13. Form I-589, Application for Asylum and Withholding of Removal Fee of the final rule and 84 FR 62318.

Immigration Benefit Request	Current Fees	Model Output[29]	Cost Reallocation[30]	Average Final Fees[31]	Change in Fees	Percent Change in Fees
I-600/600A/800/800A Adoption Petitions and Applications	$775	$1,418	-$613	$805	$30	4%
I-600A Supplement 3 Request for Action on Approved Form I-600A	$385	$1,199	-$799	$400	$15	4%
I-601 Application for Waiver of Ground of Excludability	$930	$850	$160	$1,010	$80	9%
I-601A Provisional Unlawful Presence Waiver	$630	$806	$154	$960	$330	52%
I-612 Application for Waiver of the Foreign Residence Requirement (Under Section 212(e) of the INA, as Amended)	$930	$432	$83	$515	-$415	-45%
I-687 Application for Status as a Temporary Resident	$1,130	$0	$1,130	$1,130	$0	0%
I-690 Application for Waiver of Grounds of Inadmissibility	$715	$641	$124	$765	$50	7%
I-694 Notice of Appeal of Decision	$890	$602	$113	$715	-$175	-20%
I-698 Application to Adjust Status from Temporary to Permanent Resident (Under Section 245A of the INA)	$1,670	$1,357	$258	$1,615	-$55	-3%
I-751 Petition to Remove Conditions on Residence	$595	$637	$123	$760	$165	28%
I-765 Application for Employment Authorization	$410	$463	$87	$550	$140	34%
I-800A Supplement 3 Request for Action on Approved Form I-800A	$385	$1,207	-$807	$400	$15	4%
I-817 Application for Family Unity Benefits	$600	$495	$95	$590	-$10	-2%
I-824 Application for Action on an Approved Application or Petition	$465	$415	$80	$495	$30	6%
I-829 Petition by Entrepreneur to Remove Conditions	$3,750	$3,273	$627	$3,900	$150	4%
I-881 Application for Suspension of Deportation or Special Rule Cancellation of Removal	$285	$1,518	$292	$1,810	$1,525	535%
I-910 Application for Civil Surgeon Designation	$785	$535	$100	$635	-$150	-19%
I-924 Application For Regional Center Designation Under the Immigrant Investor Program	$17,795	$11,011	$6,784	$17,795	$0	0%
I-924A Annual Certification of Regional Center	$3,035	$3,747	$718	$4,465	$1,430	47%
I-929 Petition for Qualifying Family Member of a U-1 Nonimmigrant	$230	$1,247	$238	$1,485	$1,255	546%
N-300 Application to File Declaration of Intention	$270	$1,097	$208	$1,305	$1,035	383%
N-336 Request for Hearing on a Decision in Naturalization Proceedings	$700	$1,454	$276	$1,730	$1,030	147%
N-400 Application for Naturalization	$640	$980	$185	$1,165	$525	82%
N-470 Application to Preserve Residence for Naturalization Purposes	$355	$1,330	$255	$1,585	$1,230	346%
N-565 Application for Replacement Naturalization/Citizenship Document	$555	$452	$88	$540	-$15	-3%
N-600/N-600K Application for Certificate of Citizenship Subtotal	$1,170	$833	N/A	N/A	N/A	N/A
N-600 Application for Certificate of Citizenship	$1,170	$836	$159	$995	-$175	-15%
N-600K Application for Citizenship and Issuance of Certificate	$1,170	$789	$151	$940	-$230	-20%
USCIS Immigrant Fee	$220	$158	$32	$190	-$30	-14%
Biometric Services (Other Programs such as TPS and EOIR)	$85	N/A	N/A	$30	-$55	-65%
G-1041 Genealogy Index Search Request	$65	$164	$0	$165	$100	154%
G-1041A Genealogy Records Request	$65	$258	$0	$260	$195	300%
SAVE Reimbursable Workload	$1	$2	N/A	N/A	N/A	N/A

APPENDIX VIII – ACTIVITY UNIT COSTS BY IMMIGRATION BENEFIT REQUEST

USCIS rounds amounts in these appendix tables to the nearest dollar. DHS rounds all IEFA final fees to the nearest $5 increment.

Appendix Table 5 shows ABC model results by activity and cost object. USCIS divides the total cost by fee-paying receipts to calculate the unit cost.

Appendix Table 5: Activity Unit Costs by Immigration Benefit Request before Cost Reallocation

Immigration Benefit Request	Total Activity Cost	Conduct TECS Check	Direct Costs	Fraud Detection & Prevention	Inform the Public	Intake	Issue Document	Make Determination	Management & Oversight	Records Management	Research Genealogy	Perform Biometric Services
Biometric Services (Other Programs such as TPS and EOIR)[33]	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
G-1041 Genealogy Index Search Request	$164	$0	$1	$0	$0	$11	$0	$0	$0	$0	$151	$0
G-1041A Genealogy Records Request	$258	$0	$1	$0	$0	$11	$0	$0	$0	$0	$245	$0
I-90 Application to Replace Permanent Resident Card	$346	$6	$5	$47	$28	$10	$16	$52	$92	$25	$0	$65
I-102 Application for Replacement/Initial Nonimmigrant Arrival-Departure Document	$406	$18	$-	$46	$33	$19	$-	$157	$94	$41	$0	$0
I-129 Petition for a Nonimmigrant worker	$497	$15	$10	$42	$36	$8	$0	$249	$97	$41	$0	$0
I-129CW, I-129E&TN, and I-129MISC	$584	$13	$24	$42	$32	$9	$0	$346	$83	$36	$0	$0
I-129H2A - Unnamed Beneficiaries	$347	$10	$0	$42	$35	$11	$0	$128	$83	$40	$0	$0
I-129H2B - Unnamed Beneficiaries	$324	$14	$0	$42	$31	$8	$0	$112	$83	$34	$0	$0
I-129H1B	$467	$15	$9	$42	$37	$8	$0	$213	$102	$42	$0	$0
I-129H2A - Named Beneficiaries	$714	$11	$0	$42	$35	$11	$0	$493	$83	$40	$0	$0
I-129H2B - Named Beneficiaries	$599	$14	$0	$42	$31	$8	$0	$387	$83	$34	$0	$0
I-129L - Named Beneficiaries	$678	$13	$16	$42	$31	$8	$0	$450	$83	$35	$0	$0
I-129O	$592	$13	$0	$42	$31	$8	$0	$379	$83	$35	$0	$0
I -129F Petition for Alien Fiancé(e)	$429	$12	$0	$45	$37	$23	$0	$180	$90	$42	$0	$0
I-130 Petition for Alien Relative	$464	$11	$2	$43	$51	$17	$0	$213	$93	$33	$0	$0
I-131 Application for Travel Document	$494	$30	$2	$66	$43	$25	$3	$101	$144	$68	$0	$13
I-131 Refugee Travel Document for a child under the age of 16	$265	$22	$0	$42	$24	$16	$15	$36	$82	$28	$0	$0
I-131 Refugee Travel Document for an individual age 16 or older	$346	$22	$0	$43	$25	$16	$15	$54	$86	$28	$0	$57
I-131A Application for Travel Document (Carrier Documentation)	$848	$0	$319	$36	$39	$0	$0	$307	$137	$9	$0	$0
I-140 Immigrant Petition for Alien Worker	$466	$19	$0	$42	$24	$15	$0	$258	$82	$26	$0	$0
I-191 Application for Relief Under Former Section 212(c) of the Immigration and Nationality Act (INA)	$665	$0	$0	$0	$38	$3	$0	$418	$106	$67	$0	$33
I-192 Application for Advance Permission to Enter as Nonimmigrant	$1,174	$43	$95	$116	$80	$18	$0	$425	$229	$87	$0	$4

[33] This final rule incorporates biometric services activities into immigration benefit request fees. DHS retains a separate $30 biometric services fee for TPS, EOIR forms, CNMI long term residents and (c)(8) EAD applicants. USCIS based it on the direct costs of collecting, storing, and using biometric information. *See* 84 FR 62302. At the time of its analysis, USCIS paid approximately $11.50 to the FBI for fingerprint background check results. USCIS calculated that biometric collection, storage, and use at an ASC costs approximately $19. DHS rounded the total $30.50 unit cost to a $30 biometric services fee. Additionally, the NPRM included biometric services in the Form I-821D fee. This final rule does not implement a fee for Form I-821D. Nor does this rule change the fee charged for a DACA-related I-765. As such, the biometric services fee for a DACA-related Form I-765 remains $85.

Immigration Benefit Request	Total Activity Cost	Conduct TECS Check	Direct Costs	Fraud Detection & Prevention	Inform the Public	Intake	Issue Document	Make Determination	Management & Oversight	Records Management	Research Genealogy	Perform Biometric Services
I-193 Application for Waiver of Passport and/or Visa	$2,344	$0	$2,340	$0	$1	$0	$0	$1	$2	$1	$0	$0
I-212 Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal	$883	$12	$0	$42	$72	$15	$0	$611	$97	$33	$0	$0
I-290B Notice of Appeal or Motion	$1,961	$31	$0	$107	$44	$21	$0	$1,100	$611	$47	$0	$0
I-360 Petition for Amerasian, Widow(er), or Special Immigrant	$5,549	$200	$46	$437	$286	$172	$0	$2,906	$970	$530	$0	$2
I-485 Application to Register Permanent Residence or Adjust Status	$948	$13	$5	$54	$97	$17	$18	$477	$126	$42	$0	$77
I-526 Immigrant Petition by Alien Investor	$3,365	$1	$118	$250	$17	$22	$0	$2,518	$399	$40	$0	$0
I-539 Application to Extend/Change Nonimmigrant Status	$331	$15	$0	$43	$31	$20	$0	$100	$86	$35	$0	$0
I-589 Application for Asylum and for Withholding of Removal[34]	$1,762	$186	$1	$100	$81	$75	$0	$423	$558	$180	$0	$111
I-600/600A/800/800A Adoption Petitions and Applications	$1,418	$39	$82	$81	$49	$28	$0	$726	$201	$131	$0	$81
I-600A/I-600 Supplement 3 Request for Action on Approved Form I-600A/I-600	$1,199	$44	$0	$87	$51	$9	$0	$652	$211	$145	$0	$0
I-601 Application for Waiver of Ground of Excludability	$850	$16	$0	$43	$55	$16	$0	$591	$95	$32	$0	$0
I-601A Provisional Unlawful Presence Waiver	$806	$23	$0	$44	$26	$16	$0	$454	$107	$75	$0	$63
I-612 Application for Waiver of the Foreign Residence Requirement (Under Section 212(e) of the INA, as Amended)	$432	$20	$0	$55	$39	$11	$0	$155	$109	$43	$0	$0
I-690 Application for Waiver of Grounds of Inadmissibility	$641	$23	$0	$53	$49	$19	$0	$283	$130	$81	$0	$2
I-687 Application for Status as a Temporary Resident	$602	$5	$0	$44	$83	$16	$0	$314	$104	$37	$0	$0
I-698 Application to Adjust Status from Temporary to Permanent Resident (Under Section 245A of the INA)	$1,357	$13	$4	$44	$76	$16	$15	$946	$109	$51	$0	$61
I-751 Petition to Remove Conditions on Residence	$637	$12	$4	$44	$42	$9	$15	$318	$90	$38	$0	$64
I-765 Application for Employment Authorization	$463	$28	$6	$67	$41	$26	$23	$65	$142	$66	$0	$0
I-800A Supplement 3 Request for Action on Approved Form I-800A	$1,207	$44	$0	$86	$50	$31	$0	$640	$209	$146	$0	$0
I-817 Application for Family Unity Benefits	$495	$16	$4	$43	$26	$15	$15	$197	$87	$30	$0	$61
I-824 Application for Action on an Approved Application or Petition	$415	$18	$0	$43	$32	$17	$0	$154	$97	$54	$0	$0
I-829 Petition by Entrepreneur to Remove Conditions	$3,273	$1	$122	$250	$17	$11	$15	$2,373	$399	$40	$0	$46

[34] The Asylum Division's Make Determination unit cost is only $366. See footnote 32. The Make Determination unit cost in this table includes additional offices, such as service centers which contribute to Form I-589.

Immigration Benefit Request	Total Activity Cost	Conduct TECS Check	Direct Costs	Fraud Detection & Prevention	Inform the Public	Intake	Issue Document	Make Determination	Management & Oversight	Records Management	Research Genealogy	Perform Biometric Services
I-881 Application for Suspension of Deportation or Special Rule Cancellation of Removal	$1,518	$186	$0	$100	$81	$75	$0	$206	$558	$180	$0	$108
I-910 Application for Civil Surgeon Designation	$535	$0	$0	$0	$26	$16	$0	$311	$107	$75	$0	$0
I-924 Application For Regional Center Designation Under the Immigrant Investor Program	$11,011	$1	$118	$250	$17	$11	$0	$10,175	$399	$40	$0	$0
I-924A Annual Certification of Regional Center	$3,747	$1	$118	$250	$17	$11	$0	$2,911	$399	$40	$0	$0
I-929 Petition for Qualifying Family Member of a U-1 Nonimmigrant	$1,247	$0	$0	$0	$63	$15	$0	$921	$180	$69	$0	$0
N-300 Application to File Declaration of Intention	$1,097	$6	$3	$44	$124	$12	$0	$672	$113	$38	$0	$86
N-336 Request for Hearing on a Decision in Naturalization Proceedings	$1,454	$7	$4	$54	$146	$15	$0	$1,040	$137	$47	$0	$5
N-400 Application for Naturalization	$980	$6	$12	$50	$136	$14	$0	$500	$128	$43	$0	$68
N-470 Application to Preserve Residence for Naturalization Purposes	$1,330	$6	$3	$45	$122	$12	$0	$987	$116	$38	$0	$0
N-565 Application for Replacement Naturalization/Citizenship Document	$452	$22	$4	$50	$42	$18	$0	$187	$98	$30	$0	$0
N-600 Application for Certificate of Citizenship	$833	$8	$4	$57	$154	$16	$0	$399	$146	$50	$0	$0
N-600K Application for Citizenship and Issuance of Certificate	$836	$8	$4	$58	$156	$16	$0	$396	$148	$50	$0	$0
I-602 Application By Refugee For Waiver of Grounds of Excludability	$789	$5	$3	$45	$115	$12	$0	$457	$114	$38	$0	$0
USCIS Immigrant Fee	$158	$0	$4	$0	$26	$4	$15	$0	$85	$24	$0	$0
SAVE reimbursable workload[35]	$2	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0

Appendix Table 6 uses the information from the previous table to prorate the final fees by activity. For example, if an activity in Appendix Table 5 represented 50 percent of the Total Activity Cost, then Appendix Table 6 uses 50 percent of the average final fee for that activity.

Appendix Table 6: Activity Unit Costs by Immigration Benefit Request after Cost Reallocation

Immigration Benefit Request	Average Final Fee	Conduct TECS Check	Direct Costs	Fraud Detection & Prevention	Inform the Public	Intake	Issue Document	Make Determination	Management & Oversight	Records Management	Research Genealogy	Perform Biometric Services
Biometric Services (Other Programs such as TPS and EOIR)[36]	$30	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	$30
G-1041 Genealogy Index Search Request	$165	$0	$1	$0	$0	$11	$0	$0	$0	$0	$152	$0
G-1041A Genealogy Records Request	$260	$0	$1	$0	$0	$11	$0	$0	$0	$0	$247	$0

[35] The SAVE cost objects only receive the SAVE activity costs, which is why all of the other activity columns show $0. The SAVE activity is not part of this table in order to save space for other activity columns.
[36] See footnote 33.

Immigration Benefit Request	Average Final Fee	Conduct TECS Check	Direct Costs	Fraud Detection & Prevention	Inform the Public	Intake	Issue Document	Make Determination	Management & Oversight	Records Management	Research Genealogy	Perform Biometric Services
I-90 Application to Replace Permanent Resident Card	$410	$7	$6	$56	$33	$12	$19	$62	$109	$30	$0	$77
I-102 Application for Replacement/Initial Nonimmigrant Arrival-Departure Document	$485	$22	$0	$55	$39	$23	$0	$188	$112	$49	$0	$0
I-129 Petition for a Nonimmigrant Worker	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
I-129CW, I-129E&TN, and I-129MISC	$695	$15	$29	$50	$38	$11	$0	$412	$99	$43	$0	$0
I-129H2A - Unnamed Beneficiaries	$415	$12	$0	$50	$42	$13	$0	$153	$99	$48	$0	$0
I-129H2B - Unnamed Beneficiaries	$385	$17	$0	$50	$37	$10	$0	$133	$99	$40	$0	$0
I-129H1B	$555	$18	$11	$50	$44	$10	$0	$253	$121	$50	$0	$0
I-129H2A - Named Beneficiaries	$850	$13	$0	$50	$42	$13	$0	$587	$99	$48	$0	$0
I-129H2B - Named Beneficiaries	$715	$17	$0	$50	$37	$10	$0	$462	$99	$41	$0	$0
I-129L - Named Beneficiaries	$805	$15	$19	$50	$37	$9	$0	$534	$99	$42	$0	$0
I-129O	$705	$15	$0	$50	$37	$10	$0	$451	$99	$42	$0	$0
I -129F Petition for Alien Fiancé(e)	$510	$14	$0	$53	$44	$27	$0	$214	$107	$50	$0	$0
I-130 Petition for Alien Relative	$555	$13	$2	$51	$61	$20	$0	$255	$111	$39	$0	$0
I-131 Application for Travel Document	$590	$36	$2	$79	$51	$30	$4	$121	$172	$81	$0	$16
I-131 Refugee Travel Document for a child under the age of 16	$115	$10	$0	$18	$10	$7	$7	$16	$36	$12	$0	$0
I-131 Refugee Travel Document for an individual age 16 or older	$145	$9	$0	$18	$10	$7	$6	$23	$36	$12	$0	$24
I-131A Application for Travel Document (Carrier Documentation)	$1,010	$0	$380	$43	$46	$0	$0	$366	$163	$11	$0	$0
I-140 Immigrant Petition for Alien Worker	$555	$23	$0	$50	$29	$18	$0	$307	$98	$31	$0	$0
I-191 Application for Relief Under Former Section 212(c) of the Immigration and Nationality Act (INA)	$790	$0	$0	$0	$45	$4	$0	$497	$126	$80	$0	$39
I-192 Application for Advance Permission to Enter as Nonimmigrant	$1,400	$51	$113	$138	$95	$21	$0	$507	$273	$104	$0	$97
I-193 Application for Waiver of Passport and/or Visa	$2,790	$0	$2,785	$0	$1	$0	$0	$1	$2	$1	$0	$0
I-290B Notice of Appeal or Motion	$1,050	$14	$0	$50	$86	$18	$0	$727	$115	$39	$0	$0
I-212 Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal	$700	$11	$0	$38	$16	$7	$0	$393	$218	$17	$0	$0
I-360 Petition for Amerasian, Widow(er), or Special Immigrant	$450	$16	$4	$35	$23	$14	$0	$236	$79	$43	$0	$0
I-485 Application to Register Permanent Residence or Adjust Status	$1,130	$15	$6	$64	$116	$20	$21	$569	$150	$50	$0	$120
I-526 Immigrant Petition by Alien Investor	$4,010	$1	$141	$298	$20	$26	$0	$3,001	$475	$48	$0	$0
I-539 Application to Extend/Change Nonimmigrant Status	$395	$18	$0	$51	$37	$24	$0	$119	$103	$42	$0	$0
I-589 Application for Asylum and for Withholding of Removal	$50	$5	$0	$3	$2	$2	$0	$12	$16	$5	$0	$4
I-600/600A/800/800A Adoption Petitions and Applications	$805	$22	$47	$46	$28	$16	$0	$412	$114	$74	$0	$46
I-600A/I-600 Supplement 3 Request for Action on Approved Form I-600A/I-600	$400	$15	$0	$29	$17	$3	$0	$218	$70	$48	$0	$0

Immigration Benefit Request	Average Final Fee	Conduct TECS Check	Direct Costs	Fraud Detection & Prevention	Inform the Public	Intake	Issue Document	Make Determination	Management & Oversight	Records Management	Research Genealogy	Perform Biometric Services
I-601 Application for Waiver of Ground of Excludability	$1,010	$19	$0	$51	$65	$19	$0	$702	$113	$38	$0	$0
I-601A Provisional Unlawful Presence Waiver	$960	$27	$0	$52	$31	$19	$0	$541	$127	$89	$0	$75
I-612 Application for Waiver of the Foreign Residence Requirement (Under Section 212(e) of the INA, as Amended)	$515	$24	$0	$66	$46	$13	$0	$185	$130	$51	$0	$0
I-690 Application for Waiver of Grounds of Inadmissibility	$765	$27	$0	$63	$58	$23	$0	$338	$155	$97	$0	$2
I-694 Notice of Appeal of Decision	$715	$6	$0	$52	$99	$19	$0	$373	$124	$44	$0	$0
I-698 Application to Adjust Status from Temporary to Permanent Resident (Under Section 245A of the INA)	$1,615	$15	$5	$52	$90	$19	$18	$1,126	$130	$61	$0	$100
I-751 Petition to Remove Conditions on Residence	$760	$14	$5	$52	$50	$11	$18	$379	$107	$45	$0	$76
I-765 Application for Employment Authorization	$550	$33	$7	$80	$49	$31	$27	$77	$169	$78	$0	$0
I-800A Supplement 3 Request for Action on Approved Form I-800A	$400	$15	$0	$29	$17	$10	$0	$212	$69	$48	$0	$0
I-817 Application for Family Unity Benefits	$590	$19	$5	$51	$31	$18	$18	$235	$104	$36	$0	$73
I-824 Application for Action on an Approved Application or Petition	$495	$21	$0	$51	$38	$20	$0	$184	$116	$64	$0	$0
I-829 Petition by Entrepreneur to Remove Conditions	$3,900	$1	$145	$298	$20	$13	$18	$2,828	$475	$48	$0	$55
I-881 Application for Suspension of Deportation or Special Rule Cancellation of Removal	$1,810	$222	$0	$119	$97	$89	$0	$246	$665	$215	$0	$159
I-910 Application for Civil Surgeon Designation	$635	$0	$0	$0	$31	$19	$0	$369	$127	$89	$0	$0
I-924 Application For Regional Center Designation Under the Immigrant Investor Program	$17,795	$2	$191	$404	$27	$18	$0	$16,444	$645	$65	$0	$0
I-924A Annual Certification of Regional Center	$4,465	$1	$141	$298	$20	$13	$0	$3,469	$475	$48	$0	$0
I-929 Petition for Qualifying Family Member of a U-1 Nonimmigrant	$1,485	$0	$0	$0	$75	$18	$0	$1,097	$214	$82	$0	$0
N-300 Application to File Declaration of Intention	$1,305	$7	$4	$52	$148	$14	$0	$799	$134	$45	$0	$102
N-336 Request for Hearing on a Decision in Naturalization Proceedings	$1,730	$8	$5	$64	$174	$18	$0	$1,237	$163	$56	$0	$6
N-400 Application for Naturalization	$1,165	$7	$14	$59	$162	$17	$0	$594	$152	$51	$0	$107
N-470 Application to Preserve Residence for Naturalization Purposes	$1,585	$7	$4	$54	$145	$14	$0	$1,176	$138	$45	$0	$0
N-565 Application for Replacement Naturalization/Citizenship Document	$540	$26	$5	$60	$50	$22	$0	$223	$117	$36	$0	$0
N-600 Application for Certificate of Citizenship	$995	$10	$5	$69	$186	$19	$0	$471	$176	$60	$0	$0
N-600K Application for Citizenship and Issuance of Certificate	$940	$6	$4	$54	$137	$14	$0	$544	$136	$45	$0	$0
USCIS Immigrant Fee	$190	$0	$5	$0	$31	$5	$18	$0	$102	$29	$0	$0

Immigration Benefit Request	Average Final Fee	Conduct TECS Check	Direct Costs	Fraud Detection & Prevention	Inform the Public	Intake	Issue Document	Make Determination	Management & Oversight	Records Management	Research Genealogy	Perform Biometric Services
SAVE Reimbursable Workload	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

APPENDIX IX – AUTHORIZED IEFA POSITIONS BY USCIS OFFICE

USCIS forecasts staffing and costs based on projected workload and the existing cost baseline. Appendix Table 7 compares staffing estimates used in the FY 2016/2017 fee rule and this final rule.

Appendix Table 7: IEFA Positions by Office

Directorate	FY 2016/2017 Positions	FY 2019/2020 Positions	Difference	% Difference
Field Operations Directorate	5,946	7,305	1,359	23%
Fraud Detection and National Security Directorate	920	1,918	998	108%
Refugee Asylum and International Operations Directorate	1,648	2,147	499	30%
Service Center Operations Directorate	2,866	5,441	2,575	90%
Other Offices (External Affairs, Immigration Records and Identity Services, Management, etc.)	3,163	4,009	846	27%
USCIS Total	**14,543**	**20,820**	**6,277**	**43%**

APPENDIX X – OPERATIONAL METRICS IN THE FEE REVIEW

The IEFA fee review depends on various operational metrics to allocate the cost baseline to activities and then to cost objects. Operational metrics include workload volume and completion rates. The Methodology for the 2019/2020 Fee Review section of this document and the NPRM[37] explain how USCIS uses this information. This document repeats tables from the NPRM preamble. See the Addendum section of this document or the final rule for more information on any changes between the NPRM and this final rule.

Appendix Table 8: Workload Volume Comparison

Immigration Benefit Request	Average Annual FY 2016/2017 Projected Workload Receipts	Average Annual FY 2019/2020 Projected Workload Receipts	Difference
I-90 Application to Replace Permanent Resident Card	810,707.0	767,020.0	-43,687.0
I-102 Application for Replacement/Initial Nonimmigrant Arrival-Departure Document	10,143.0	7,700.0	-2,443.0
I-129 Petition for a Nonimmigrant Worker Subtotal	432,156.0	553,265.5	121,109.5
I-129H1B - Named Beneficiaries	N/A	423,303.5	N/A
I-129H2A - Named Beneficiaries	N/A	3,961.5	N/A
I-129H2B - Named Beneficiaries	N/A	2,256.0	N/A
I-129L - Named Beneficiaries	N/A	41,502.0	N/A
I-129O	N/A	25,455.5	N/A
I-129 All Other	N/A	43,491.0	N/A
I-129H2A - Unnamed Beneficiaries	N/A	8,981.0	N/A
I-129H2B - Unnamed Beneficiaries	N/A	4,315.0	N/A
I-129F Petition for Alien Fiancé(e)	45,351.0	52,000.0	6,649.0
I-130 Petition for Alien Relative	911,349.0	984,107.0	72,758.0
I-131/I-131A Application for Travel Document Subtotal	256,622.0	480,834.0	224,212.0
I-131 Application for Travel Document	N/A	449,073.0	N/A
I-131 Refugee Travel Document for an individual age 16 or older	N/A	20,714.0	N/A
I-131 Refugee Travel Document for a child under the age of 16	N/A	1,248.0	N/A
I-131A Application for Travel Document (Carrier Documentation)	N/A	9,799.0	N/A
I-140 Immigrant Petition for Alien Worker	88,602.0	161,000.0	72,398.0
I-290B Notice of Appeal or Motion	24,706.0	24,050.0	-656.0
I-360 Petition for Amerasian, Widow(er) or Special Immigrant	26,428.0	42,873.0	16,445.0
I-485 Application to Register Permanent Residence or Adjust Status	593,717.0	632,500.0	38,783.0
I-526 Immigrant Petition by Alien Investor	14,673.0	14,000.0	-673.0
I-539 Application to Extend/Change Nonimmigrant Status	172,001.0	231,000.0	58,999.0
I-589 Application for Asylum and for Withholding of Removal	N/A	163,000.0	N/A
I-600/600A; I-800/800A Adoption Petitions and Applications	15,781.0	11,776.0	-4,005.0
I-600A Supplement 3 Request for Action on Approved Form I-600A	N/A	1,500.0	N/A
I-601A Provisional Unlawful Presence Waiver	42,724.0	67,000.0	24,276.0
I-687 Application for Status as a Temporary Resident	18.0	0.0	-18.0
I-690 Application for Waiver of Grounds of Inadmissibility	21.0	30.0	9.0
I-694 Notice of Appeal of Decision	39.0	10.0	-29.0
I-698 Application to Adjust Status from Temporary to Permanent Resident (Under Section 245A of the INA)	91.0	100.0	9.0
I-751 Petition to Remove Conditions on Residence	173,000.0	156,000.0	-17,000.0
I-765 Application for Employment Authorization	747,825.0	2,455,000.0	1,707,175.0
I-800A Supplement 3 Request for Action on Approved Form I-800A	1,585.0	1,500.0	-85.0
I-817 Application for Family Unity Benefits	2,069.0	1,400.0	-669.0
I-824 Application for Action on an Approved Application or Petition	10,921.0	11,303.0	382.0
I-829 Petition by Entrepreneur to Remove Conditions	3,562.0	3,500.0	-62.0
I-881 Application for Suspension of Deportation or Special Rule Cancellation of Removal	N/A	340.0	N/A

[37] *See* 81 FR 62288.

Immigration Benefit Request	Average Annual FY 2016/2017 Projected Workload Receipts	Average Annual FY 2019/2020 Projected Workload Receipts	Difference
I-910 Application for Civil Surgeon Designation	609.0	530.0	-79.0
I-924 Application For Regional Center Designation Under the Immigrant Investor Program	400.0	520.0	120.0
I-924A Annual Certification of Regional Center	882.0	950.0	68.0
I-929 Petition for Qualifying Family Member of a U-1 Nonimmigrant	575.0	2,200.0	1,625.0
N-300 Application to File Declaration of Intention	41.0	4.0	-37.0
N-336 Request for Hearing on a Decision in Naturalization Proceedings	4,666.0	4,700.0	34.0
N-400 Application for Naturalization	830,673.0	913,500.0	82,827.0
N-470 Application to Preserve Residence for Naturalization Purposes	362.0	110.0	-252.0
N-565 Application for Replacement Naturalization/Citizenship Document	28,914.0	28,000.0	-914.0
N-600/600K Naturalization Certificate Application Subtotal	69,723.0	64,000.0	-5,723.0
N-600 Application for Certificate of Citizenship	N/A	61,000.0	N/A
N-600K Application for Citizenship and Issuance of Certificate	N/A	3,000.0	N/A
Inadmissibility Waiver Subtotal	71,527.0	105,492.0	33,965.0
I-191 Application for Relief Under Former Section 212(c) of the Immigration and Nationality Act (INA)	N/A	260.0	N/A
I-192 Application for Advance Permission to Enter as Nonimmigrant	N/A	69,557.0	N/A
I-193 Application for Waiver of Passport and/or Visa	N/A	7,763.0	N/A
I-212 Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal	N/A	6,132.0	N/A
I-601 Application for Waiver of Ground of Excludability	N/A	21,000.0	N/A
I-612 Application for Waiver of the Foreign Residence Requirement (Under Section 212(e) of the INA, as Amended)	N/A	780.0	N/A
USCIS Immigrant Fee	472,511.0	594,000.0	121,489.0
G-1041 Genealogy Index Search Request	3,605.0	4,650.0	1,045.0
G-1041A Genealogy Records Request	2,410.0	2,550.0	140.0
Subtotal	**5,870,989.0**	**8,544,014.5**	**2,673,025.5**
Biometric Services	3,028,254.0	N/A	N/A
Total	**8,899,243.0**	**8,544,014.5**	**-355,228.5**

Appendix Table 9: Fee-Paying Projection Comparison

Immigration Benefit Request	Average Annual FY 2016/2017 Fee-Paying Projection	Average Annual FY 2019/2020 Fee-Paying Projection	Difference
I-90 Application to Replace Permanent Resident Card	718,163.0	682,721.5	-35,441.5
I-102 Application for Replacement/Initial Nonimmigrant Arrival-Departure Document	9,499.0	7,155.0	-2,344.0
I-129 Petition for a Nonimmigrant Worker Subtotal	427,778.0	553,265.5	125,487.5
I-129 H-1B - Named Beneficiaries	N/A	423,303.5	N/A
I-129 H-2A - Named Beneficiaries	N/A	3,961.5	N/A
I-129 H-2B - Named Beneficiaries	N/A	2,256.0	N/A
I-129 L1A/L1B/LZ Blanket - Named Beneficiaries	N/A	41,502.0	N/A
I-129 O1/O2	N/A	25,455.5	N/A
I-129 All Other	N/A	43,491.0	N/A
I-129 H-2A - Unnamed Beneficiaries	N/A	8,981.0	N/A
I-129 H-2B - Unnamed Beneficiaries	N/A	4,315.0	N/A
I-129F Petition for Alien Fiancé(e)	39,277.0	47,923.0	8,646.0
I-130 Petition for Alien Relative	907,512.0	976,398.0	68,886.0
I-131/I-131A Application for Travel Document Subtotal	194,461.0	322,828.5	128,367.5
I-131 Application for Travel Document	N/A	291,067.5	N/A
I-131 Refugee Travel Document for an individual age 16 or older	N/A	20,714.0	N/A
I-131 Refugee Travel Document for a child under the age of 16	N/A	1,248.0	N/A
I-131A Application for Travel Document (Carrier Documentation)	N/A	9,799.0	N/A

Immigration Benefit Request	Average Annual FY 2016/2017 Fee-Paying Projection	Average Annual FY 2019/2020 Fee-Paying Projection	Difference
I-140 Immigrant Petition for Alien Worker	88,602.0	161,000.0	72,398.0
I-290B Notice of Appeal or Motion	20,955.0	20,705.0	-250.0
I-360 Petition for Amerasian, Widow(er) or Special Immigrant	8,961.0	4,224.0	-4,737.0
I-485 Application to Register Permanent Residence or Adjust Status	473,336.0	510,925.5	37,589.5
I-526 Immigrant Petition by Alien Investor	14,673.0	14,000.0	-673.0
I-539 Application to Extend/Change Nonimmigrant Status	171,616.0	223,903.0	52,287.0
I-589 Application for Asylum and for Withholding of Removal	N/A	163,000.0	N/A
I-600/600A; I-800/800A Orphan Petitions	5,811.0	6,142.0	331.0
I-600A Supplement 3 Request for Action on Approved Form I-600A	N/A	768.0	N/A
I-601A Provisional Unlawful Presence Waiver	42,724.0	67,000.0	24,276.0
I-687 Application for Status as a Temporary Resident	0.0	0.0	0.0
I-690 Application for Waiver of Grounds of Inadmissibility	17.0	25.0	8.0
I-694 Notice of Appeal of Decision	39.0	10.0	-29.0
I-698 Application to Adjust Status from Temporary to Permanent Resident (Under Section 245A of the INA)	91.0	100.0	9.0
I-751 Petition to Remove Conditions on Residence	162,533.0	148,918.0	-13,615.0
I-765 Application for Employment Authorization	397,954.0	1,539,995.0	1,142,041.0
I-800A Supplement 3 Request for Action on Approved Form I-800A	746.0	768.0	22.0
I-817 Application for Family Unity Benefits	1,988.0	1,368.0	-620.0
I-824 Application for Action on an Approved Application or Petition	10,828.0	11,146.5	318.5
I-829 Petition by Entrepreneur to Remove Conditions	3,562.0	3,500.0	-62.0
I-881 Application for Suspension of Deportation or Special Rule Cancellation of Removal	N/A	340.0	N/A
I-910 Application for Civil Surgeon Designation	609.0	530.0	-79.0
I-924 Application For Regional Center Designation Under the Immigrant Investor Program	400.0	520.0	120.0
I-924A Annual Certification of Regional Center	882.0	950.0	68.0
I-929 Petition for Qualifying Family Member of a U-1 Nonimmigrant	257.0	1,012.5	755.5
N-300 Application to File Declaration of Intention	36.0	4.0	-32.0
N-336 Request for Hearing on a Decision in Naturalization Proceedings	3,593.0	3,872.5	279.5
N-400 Application for Naturalization	631,655.0	805,860.0	174,205.0
N-470 Application to Preserve Residence for Naturalization purposes	360.0	107.0	-253.0
N-565 Application for Replacement Naturalization/Citizenship Document	23,491.0	23,457.5	-33.5
N-600/600K Naturalization Certificate Application Subtotal	46,870.0	49,522.0	2,652.0
N-600 Application for Certificate of Citizenship	N/A	46,554.0	N/A
N-600K Application for Citizenship and Issuance of Certificate	N/A	2,968.0	N/A
Inadmissibility Waiver Subtotal	41,902.0	58,097.5	16,195.5
I-191 Application for Relief Under Former Section 212(c) of the Immigration and Nationality Act (INA)	N/A	260.0	N/A
I-192 Application for Advance Permission to Enter as Nonimmigrant	N/A	22,779.5	N/A
I-193 Application for Waiver of Passport and/or Visa	N/A	7,672.0	N/A
I-212 Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal	N/A	6,085.0	N/A
I-601 Application for Waiver of Ground of Excludability	N/A	20,711.0	N/A
I-612 Application for Waiver of the Foreign Residence Requirement (Under Section 212(e) of the INA, as Amended)	N/A	590.0	N/A
USCIS Immigrant Fee	472,511.0	572,425.0	99,914.0
G-1041 Genealogy Index Search Request	3,605.0	4,650.0	1,045.0
G-1041A Genealogy Records Request	2,410.0	2,550.0	140.0
Subtotal	**4,929,707.0**	**6,991,687.5**	**2,061,980.5**
Biometric Services	2,598,639.0	N/A	N/A
Grand Totals	**7,528,346.0**	**6,991,687.5**	**-536,658.5**

Appendix Table 10: Completion Rates per Benefit Request
[Projected Adjudication Hours / Completion]

Immigration Benefit Request	Service-Wide Completion Rate
I-90 Application to Replace Permanent Resident Card	0.19
I-102 Application for Replacement/Initial Nonimmigrant Arrival-Departure Document	0.77
I-129 H-1B - Named Beneficiaries	1.10
I-129 H-2A - Named Beneficiaries	1.92
I-129 H-2B - Named Beneficiaries	2.00
I-129 L1A/L1B/LZ Blanket - Named Beneficiaries	2.23
I-129 O1/O2	1.90
I-129 All Other	1.62
I-129 H-2A - Unnamed Beneficiaries	0.50
I-129 H-2B - Unnamed Beneficiaries	0.58
I-129F Petition for Alien Fiance(e)	0.67
I-130 Petition for Alien Relative	0.86
I-131 Application for Travel Document	0.25
I-131 Refugee Travel Document for an individual age 16 or older	0.27
I-131 Refugee Travel Document for a child under the age of 16	0.25
I-131A Application for Travel Document (Carrier Documentation)	1.01
I-140 Immigrant Petition for Alien Worker	1.46
I-290B Notice of Appeal or Motion	1.32
I-360 Petition for Amerasian, Widow(er) or Special Immigrant	1.65
I-485 Application to Register Permanent Residence or Adjust Status	1.63
I-526 Immigrant Petition by Alien Investor	8.65
I-539 Application to Extend/Change Nonimmigrant Status	0.51
I-589 Application for Asylum and for Withholding of Removal	4.10
I-600/600A; I-800/800A Orphan Petitions	2.22
I-600A Supplement 3 Request for Action on Approved Form I-600A	1.90
I-601A Provisional Unlawful Presence Waiver	2.64
I-687 Application for Status as a Temporary Resident	N/A
I-690 Application for Waiver of Grounds of Inadmissibility	1.05
I-694 Notice of Appeal of Decision	1.10
I-698 Application to Adjust Status from Temporary to Permanent Resident (Under Section 245A of the INA)	3.76
I-751 Petition to Remove Conditions on Residence	1.30
I-765 Application for Employment Authorization	0.20
I-800A Supplement 3 Request for Action on Approved Form I-800A	1.90
I-817 Application for Family Unity Benefits	0.91
I-824 Application for Action on an Approved Application or Petition	0.78
I-829 Petition by Entrepreneur to Remove Conditions	8.15
I-881 Application for Suspension of Deportation or Special Rule Cancellation of Removal	2.00
I-910 Application for Civil Surgeon Designation	1.81
I-924 Application For Regional Center Designation Under the Immigrant Investor Program	34.95
I-924A Annual Certification of Regional Center	10.00
I-929 Petition for Qualifying Family Member of a U-1 Nonimmigrant	2.60
N-300 Application to File Declaration of Intention	2.68
N-336 Request for Hearing on a Decision in Naturalization Proceedings	3.05
N-400 Application for Naturalization	1.57
N-470 Application to Preserve Residence for Naturalization purposes	4.02
N-565 Application for Replacement Naturalization/Citizenship Document	0.89
N-600 Application for Certificate of Citizenship	1.08
N-600K Application for Citizenship and Issuance of Certificate	1.57
I-191 Application for Relief Under Former Section 212(c) of the Immigration and Nationality Act (INA)	2.10
I-192 Application for Advance Permission to Enter as Nonimmigrant	0.97
I-193 Application for Waiver of Passport and/or Visa	0.30
I-212 Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal	2.71
I-601 Application for Waiver of Ground of Excludability	3.29

Immigration Benefit Request	Service-Wide Completion Rate
I-612 Application for Waiver of the Foreign Residence Requirement (Under Section 212(e) of the INA, as Amended)	0.53
USCIS Immigrant Fee	N/A
G-1041 Genealogy Index Search Request	1.27
G-1041A Genealogy Records Request	2.16

APPENDIX XI – IEFA HISTORY

USCIS is a component of DHS. It is the Federal entity responsible for granting or denying immigration benefits to individuals seeking to reside in, work in, or become citizens of the U.S., as well as for U.S. citizens, permanent residents, and employers seeking to sponsor individuals for immigrant or nonimmigrant benefits. As one of the largest fee-funded agencies in the Federal Government, USCIS processes a multitude of immigrant and nonimmigrant benefit requests, including:

- **Family-based requests** - facilitating the process for close relatives to immigrate, gain permanent residency, travel, and work;
- **Employment-based requests** - facilitating the process for current and prospective employees to immigrate or work in the U.S. temporarily;
- **Asylum and refugee processing** - adjudicating requests for asylum and refugee status;
- **Naturalization** - approving naturalization of eligible persons who wish to become U.S. citizens;
- **Special status programs** - adjudicating eligibility for U.S. immigration status as a form of humanitarian aid to foreign nationals; and
- **Document issuance and renewal** - verifying eligibility as well as producing and issuing immigration documents.

Before the creation of the DHS on March 1, 2003, the Immigration and Naturalization Service (INS) performed the duties of USCIS. The sections below will refer to USCIS even when it was INS at the time.

Before the establishment of the IEFA, immigration application and petition fees were deposited into the General Fund of the Treasury and were available to fund general government expenditures made in consequence of appropriations made by Congress; they were not available exclusively to USCIS. In 1988, Congress established the IEFA. Fees collected from persons filing immigration benefit requests are deposited into the IEFA and are used to: 1) fund the full cost of processing immigration and naturalization applications and petitions, 2) fund the cost of providing similar benefits to asylum and refugee applicants for which a fee is not charged, and 3) fund the cost of providing similar benefits to others at no charge (i.e. fee waivers and fee exemptions).

On April 4, 1989, USCIS published a final rule in the Federal Register establishing the IEFA fee schedule for the first time since enactment of legislation authorizing use of fee revenues to fund immigration benefit processing activities. It instituted fees that "more nearly reflect the current cost of providing the benefits and services…" The changes were "necessary to place the financial burden of providing special services and benefits, which do not accrue to the public at large, on the recipients." Since 1989, fees deposited into the IEFA have been the primary source of funding for the processing of immigration and naturalization benefits.

On March 27, 1991, USCIS revised the IEFA fee schedule. Fees were increased by as much as 100 percent for several immigration benefits. USCIS stated several reasons for this increase:

- Increased workloads, data and communications costs, and computer hardware costs;
- Absorption of asylum and refugee processing costs, previously funded with discretionary appropriations, into the IEFA;
- Costs of an enhanced asylum review process;
- Costs of fingerprint and name checks, which the FBI began billing USCIS; and
- Costs of acquiring larger facilities and additional staffing for increased benefit requests.

In 1994, USCIS revised the fee schedule again. USCIS explained that these increases were necessary to reflect "inflation since the last general fee increase in April 1991, the assignment of certain additional costs to the

IEFA for services that support adjudications and naturalization functions, and the costs of investments to improve services to users." While preparing the NPRM to revise fees in 1994, USCIS recognized the need for improving its "management of the finances of the fee accounts and the development of fee schedules."

USCIS adjusted the fee schedule again on October 13, 1998. This was the result of a comprehensive cost study conducted in FY 1997 based on FY 1996 processes and the FY 1998 budget. USCIS conducted a thorough review of the resources, activities, and costs of processing immigration benefits and biometric services funded through the IEFA. This fee review introduced ABC as the methodology for determining costs associated with services for which fees are charged.

The FY 2008/2009 fee review followed nearly a decade without a comprehensive review of IEFA fees. On July 30, 2007, fees increased by a weighted average of 86% to recover base and additional costs for improving operations and service-wide performance needs. Following the FY 2008/2009 fee review, USCIS committed to reviewing IEFA fees every 2 years, consistent with the biennial review standard of the CFO Act of 1990 and OMB Circular A-25.

In November 2010, USCIS adjusted the fee schedule based on its comprehensive fee review for the FY 2010/2011 biennial period. Overall, USCIS kept base costs steady and adjusted for inflation, thereby minimizing program changes that would increase costs. Fees increased by a weighted average of 10 percent. However, the fees did not recover the full cost of RAIO, SAVE, and the Office of Citizenship in anticipation of congressional appropriations to fund these programs. USCIS did not receive the appropriations that it anticipated when DHS set the fees. USCIS has not received any substantial appropriations for these programs since FY 2011.

USCIS subsequently completed two fee reviews without pursuing notice and comment rulemaking to revise the fee schedule. They were the FY 2012/2013 and FY 2014/2015 fee reviews. Both fee reviews indicated that fee levels were not sufficient to recover the full cost of activities funded by the IEFA; however, USCIS was able to mitigate the projected shortfall by realigning funds within its budget and postponing planned improvements.

DHS published a NPRM for the FY 2016/2017 fee review in May 2016. DHS published a final rule in October 2016. The new fees became effective in December 2016. The weighted average fee increase was 21%. The fees were estimated to recover the full cost of RAIO, SAVE, and the Office of Citizenship. The FY 2016/2017 fee rule established a new $3,035 fee for Form I-924A, Annual Certification of Regional Center. It established a reduced fee of $320 for some applicants filing Form N-400, Application for Naturalization. The reduced N-400 fee was for naturalization applicants with a family income greater than 150 percent and not more than 200 percent of the Federal Poverty Guidelines. The final rule also removed regulatory provisions that prevented USCIS from rejecting an immigration or naturalization benefit request fee paid with a dishonored check or lacking the required biometric services fee.

To review historical fees, see Appendix XI – IEFA History.

Appendix Table 11: IEFA Fee History

Form	Title or Description	Oct. 2005	July 2007	Nov. 2010[38]	Dec. 2016	Other Recent Changes
G-1041	Genealogy Index Search Request			$20	$65	
G-1041A	Genealogy Records Request (Microfilm Copy)			$20	$65	
G-1041A	Genealogy Records Request (Textual Record Copy)			$35	$65	
I-90	Application to Replace Permanent Resident Card	$190	$290	$365	$455	
I-102	Application for Replacement/Initial Nonimmigrant Arrival-Departure Document	$160	$320	$330	$445	
I-129/ I-129CW	Petition for a Nonimmigrant Worker	$190	$320	$325	$460	
I-129F	Petition for Alien Fiancé(e)	$170	$455	$340	$535	
I-130	Petition for Alien Relative	$190	$355	$420	$535	
I-131	Application for Travel Document	$170	$305	$360	$575	
I-131	Application for Refugee Travel Document (16 or older)			$135	$135	
I-131	Application for Refugee Travel Document (under 16)			$105	$105	
I-131A	Application for Travel Document (Carrier Documentation)				$575	
I-140	Immigrant Petition for Alien Worker	$195	$475	$580	$700	
I-191	Application for Relief Under Former Section 212(c) of the Immigration and Nationality Act (INA)	$265	$545	$585	$930	
I-192	Application for Advance Permission to Enter as a Nonimmigrant	$265	$545	$585	$930	
I-193	Application for Waiver of Passport and/or Visa	$265	$545	$585	$585	
I-212	Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal	$265	$545	$585	$930	
I-290B	Notice of Appeal or Motion	$385	$585	$630	$675	
I-356	Request for Cancellation of Public Charge Bond[39]					$25
I-360	Petition for Amerasian, Widow(er), or Special Immigrant	$190	$375	$405	$435	
I-485	Application to Register Permanent Residence or Adjust Status	$325	$930	$985	$1,140	
I-485 (Child)	Application to Register Permanent Residence or Adjust Status (under the age of 14 years)	$225	$600	$635	$750	
I-526	Immigrant Petition by Alien Investor[40]	$480	$1,435	$1,500	$3,675	
I-539	Application to Extend/Change Nonimmigrant Status	$200	$300	$290	$370	

[38] Genealogy fees (Forms G-1041 and G-1041A) became effective in Aug. 2008 without changing any other IEFA fees. *See* 73 FR 28026. These fees did not change until the FY 2016/2017 fee rule.
[39] In Aug. 2019, DHS published a final rule establishing Forms I-356 and I-945. *See* 84 FR 41292.
[40] See footnote 14.

Form	Title or Description	Oct. 2005	July 2007	Nov. 2010[38]	Dec. 2016	Other Recent Changes
I-600/ I-800	Petition to Classify Orphan as an Immediate Relative/ Petition to Classify Convention Adoptee as an Immediate Relative	$545	$670	$720	$775	
I-600A/ I-800A	Application for Advance Processing of an Orphan Petition/ Application for Determination of Suitability to Adopt a Child from a Convention Country	$545	$670	$720	$775	
I-601	Application for Waiver of Grounds of Inadmissibility	$265	$545	$585	$930	
I-601A	Application for Provisional Unlawful Presence Waiver			$585	$630	
I-612	Application for Waiver of the Foreign Residence Requirement	$265	$545	$585	$930	
I-687	Application for Status as a Temporary Resident under Section 245A of the INA	$255	$710	$1,130	$1,130	
I-690	Application for Waiver of Grounds of Inadmissibility	$95	$185	$200	$715	
I-694	Notice of Appeal of Decision under Section 210 or 245A of the Immigration and Nationality Act	$110	$545	$755	$890	
I-695	Application for Replacement Employment Authorization or Temporary Residence Card	$65	$130	N/A	N/A	
I-698	Application to Adjust Status From Temporary to Permanent Resident (Under Section 245A of the INA)	$180	$1,370	$1,020	$1,670	
I-751	Petition to Remove the Conditions on Residence	$205	$465	$505	$595	
I-765	Application for Employment Authorization	$180	$340	$380	$410	
I-800A	Supplement 3, Request for Action on Approved Form I-800A			$360	$385	
I-817	Application for Family Unity Benefits	$200	$440	$435	$600	
I-821	Application for Temporary Protected Status	$50	$50	$50	$50	
I-824	Application for Action on an Approved Application or Petition	$200	$340	$405	$465	
I-829	Petition by Entrepreneur to Remove Conditions on Permanent Resident Status	$475	$2,850	$3,750	$3,750	
I-881	Application for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to Section 203 of Public Law 105-100 (NACARA))	$285	$285	$285	$285	
I-905	Application for Authorization to Issue Certification for Health Care Workers	$230	$230	$230	$230	
I-907	Request for Premium Processing Service[41]	$1,000	$1,000	$1,225	$1,225	$1,410 (2018); $1,440 (2019).
I-910	Application for Civil Surgeon Designation			$615	$785	
I-924	Application for Regional Designation Center Under the Immigrant Investor Program			$6,230	$17,795	
I-924A	Annual Certification of Regional Center				$3,035	
I-929	Petition for Qualifying Family Member of a U-1 Nonimmigrant			$215	$230	

[41] Twice in recent years, DHS increased the fee for Form I-907, Request for Premium Processing Service, by inflation. The first increase was effective Oct. 1, 2018. *See* 83 FR 44449. The second increase was effective Dec. 2, 2019. *See* 84 FR 58303.

Form	Title or Description	Oct. 2005	July 2007	Nov. 2010[38]	Dec. 2016	Other Recent Changes
I-941	Application for Entrepreneur Parole[42]					$1,200
I-945	Public Charge Bond[43]					$25
N-300	Application to File Declaration of Intention	$120	$235	$250	$270	
N-336	Request for Hearing on a Decision in Naturalization Proceedings Under Section 336	$265	$605	$650	$700	
N-400	Application for Naturalization	$330	$595	$595	$640	
N-400	Application for Naturalization with Form I-942, Request for Reduced Fee				$320	
N-470	Application to Preserve Residence for Naturalization Purposes	$155	$305	$330	$355	
N-565	Application for Replacement Naturalization/Citizenship Document	$220	$380	$345	$555	
N-600	Application for Certificate of Citizenship	$255	$460	$600	$1,170	
N-600K	Application for Citizenship and Issuance of Certificate Under Section 322	$255	$460	$600	$1,170	
	Biometrics Fee	$70	$80	$85	$85	
	Registration requirement for petitioners seeking to file H-1B petitions on behalf of cap-subject aliens[44]					$10
	USCIS Immigrant Fee (Formerly Immigrant Visa)			$165	$220	

[42] DHS published a final rule for establishing Form I-941, International Entrepreneur Parole Program, in Jan. 2017. *See* 82 FR 5238. DHS proposed to terminate the program in May 2018. *See* 83 FR 24415. DHS does not change the fee in this final rule.
[43] See footnote 39.
[44] DHS published a final rule establishing a $10 registration fee for H-1B petitions in Nov. 2019. *See* 84 FR 60307.

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