



September 2, 2020

PA-2020-13

## Policy Alert

**SUBJECT:** Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements Final Rule

### Purpose

U.S. Citizenship and Immigration Services (USCIS) is revising its policy guidance in the [USCIS Policy Manual](#) to align with the Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements Final Rule, published in the Federal Register on August 3, 2020, and effective October 2, 2020.<sup>1</sup>

### Background

Section 286(m) of the Immigration and Nationality Act (INA) authorizes the Department of Homeland Security (DHS) to charge fees for adjudication and naturalization services at a level to “ensure recovery of the full costs of providing all such services, including the costs of similar services provided without charge to asylum applicants or other immigrants.”<sup>2</sup> As required by federal law, USCIS conducted a comprehensive biennial fee review and determined that current fees do not recover the cost of providing adjudication and naturalization services.

These updates, contained in Volumes 1, 2, 7, and 11 of the Policy Manual, incorporate the regulatory provisions promulgated by the final rule and are effective as of October 2, 2020, and apply to all applications and petitions postmarked on or after that date.<sup>3</sup> USCIS will adjudicate applications or petitions postmarked before the effective date (October 2, 2020) based on the previous policy in effect at the time of filing.

For submissions postmarked on or after that October 2, 2020, USCIS will only accept the 10/02/20 edition of the following new or existing forms:

- Petition for Nonimmigrant Worker: H-1B or H-1B1 Classifications (Form I-129H1)
- Petitions for H-2A and H-2B Workers (Forms I-129H2A and I-129H2B)

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<sup>1</sup> See [85 FR 46788](#) (Aug. 3, 2020), as amended by [85 FR 49941](#) (Aug. 17, 2020) (final rule; correction), and [85 FR 53645](#) (Aug. 31, 2020) (final rule; correction).

<sup>2</sup> See [INA 286\(m\)](#).

<sup>3</sup> For applications and petitions that are sent by commercial courier (for example, UPS, FedEx, or DHL), USCIS considers the date on the courier receipt as the postmark date for purposes of filing. USCIS is also making minor technical updates in other Policy Manual parts consistent with this update and the final rule.

- Petition for Nonimmigrant Worker: L Classification (Form I-129L)
- Petition for Nonimmigrant Worker: O Classification (Form I-129O)
- Application for Nonimmigrant Worker: E and TN Classification (Form I-129E&TN)
- Petition for Nonimmigrant Worker: H-3, P, Q, or R Classification (Form I-129MISC)
- Request for Action on Approved Form I-600/I-600A (Form I-600/I-600A, Supplement 3)
- Application for Employment Authorization (Form I-765)
- Request for Fee Waiver (Form I-912)

Once effective, these updates replace Chapters 10.9 and 10.10 of the Adjudicator's Field Manual (AFM), related AFM appendices, and related policy memoranda. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance on the topic.

## **Policy Highlights**

### *Volume 1, Part A: Public Services*

- Updates the premium processing timeframe from 15 calendar days to 15 business days and explains that the additional fee for this service may be adjusted for inflation according to the Consumer Price Index (CPI) by notice in the Federal Register.
- Provides that USCIS will refund certain premium processing fees if USCIS does not complete the adjudication within the guaranteed timeframe (that is, 15 business days).

### *Volume 1, Part B: Submission of Benefit Requests*

- Identifies the categories of applicants, petitioners and forms eligible for fee waivers or fee exemptions.
- Explains the eligibility and documentary requirements for fee waivers, including having income at or below 125 percent of the [Federal Poverty Guidelines](#).
- Clarifies that USCIS rejects filings in cases where a check or other financial instrument used to pay a fee is returned as unpayable because of insufficient funds.

### *Volume 2: Nonimmigrants*

- Explains that, as of October 2, 2020, former Form I-129 is separated into the following forms:
  - Petition for Nonimmigrant Worker: H-1B or H-1B1 Classifications (Form I-129H1)
  - Petitions for H-2A and H-2B Workers (Forms I-129H2A and I-129H2B)
  - Petition for Nonimmigrant Worker: L Classification (Form I-129L)
  - Petition for Nonimmigrant Worker: O Classification (Form I-129O)
  - Application for Nonimmigrant Worker: E and TN Classification (Form I-129E&TN)
  - Petition for Nonimmigrant Worker: H-3, P, Q, or R Classification (Form I-129MISC)

[Volume 7: Adjustment of Status](#)

- Provides that an applicant under the age of 14 years who is filing a concurrent adjustment application with a parent must also submit the fee in the full amount as specified in the form instructions.
- Provides that adjustment applicants who paid a filing fee as a principal applicant for their Application for Asylum and for Withholding of Removal (Form I-589) and were subsequently granted asylum will pay a lower fee for the adjustment application.<sup>4</sup>

[Volume 11, Part A: Secure Identity Documents Policies and Procedures](#)

- Explains that USCIS may use Signature Confirmation Restricted Delivery (SCRD) for mailing secure identity documents such as permanent resident cards, employment authorization documentation, and travel documents to approved applicants (or their designated representative).
- Provides that, in its discretion, USCIS may use SCR D for additional documents (for example, Certificates of Naturalization and Certificates of Citizenship).
- Provides that requestors who are outside the United States are eligible to file an Application for Travel Document (Carrier Documentation) (Form I-131A) if their advance parole document or combo card is lost, stolen, or destroyed while outside the United States.

**Citations**

Volume 1: General Policies and Procedures, Part A, Public Services [[1 USCIS-PM A](#)]; Part B, Submission of Benefit Requests [[1 USCIS-PM B](#)].

Volume 2: Nonimmigrants [[2 USCIS-PM](#)].

Volume 7: Adjustment of Status, Part A, Adjustment of Status Policies and Procedures [[7 USCIS-PM A](#)]; Part F, Special Immigrant-Based (EB-4) Adjustment [[7 USCIS-PM F](#)]; Part M, Asylee Adjustment [[7 USCIS-PM M](#)].

Volume 11: Travel and Identity Documents, Part A, Secure Identity Documents Policies and Procedures [[11 USCIS-PM A](#)].

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<sup>4</sup> See new [8 CFR 106.2\(a\)\(17\)\(ii\)](#).

**This policy is effective on October 2, 2020 and will be incorporated into the Policy Manual accordingly.**

**Chapter 6. Premium Processing** [New chapter shown in its entirety. Existing Chapters 6-9 will be redesignated as Chapters 7-10, respectively.]

For certain employment-based immigration benefit requests,<sup>5</sup> petitioners may request 15 business-day processing (or premium processing) for an additional fee.<sup>6</sup>

For purposes of calculating the 15-day premium processing clock, USCIS considers business days as those days on which the Federal Government is open for business. Business days do not include weekends, federally observed holidays, or the days on which Federal Government offices are closed (including, but not limited to, closures due to inclement weather or national emergencies). The closure may be nationwide or in the region where the adjudication of the benefit for which premium processing is sought will take place.

In premium processing cases where USCIS issues a Request for Evidence (RFE) or Notice of Intent to Deny (NOID) within 15 business days from the initial date of filing, a new 15-day period begins on the date that USCIS receives the response to the RFE or NOID.<sup>7</sup>

USCIS refunds the premium processing service fee (but continues to process the case) if:

- USCIS does not send a notice of an adjudicative action<sup>8</sup> by the end of the 15th business day from the initial date of filing; or
- USCIS does not issue a notice of a subsequent adjudicative action by the end of the 15th business day from the date USCIS received the response to an RFE or NOID.

## **Chapter 1. Purpose and Background**

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<sup>5</sup> See Request for Premium Processing Service ([Form I-907](#)).

<sup>6</sup> See Section 112 of Appendix B of [Pub. L. 106-553](#), 114 Stat. 2762, 2762A-68 (December 21, 2000) (codified at [INA 286\(u\)](#)). DHS may adjust the premium processing fee for inflation according to Consumer Price Index (CPI).

<sup>7</sup> See [8 CFR 106.4\(d\)](#). If USCIS opens an investigation for fraud or misrepresentation relating to the benefit request, USCIS may retain the premium processing fee and fail to reach a conclusion on the request within 15 business days; USCIS may do this without notifying the person who filed the request of the reason for the delay.

<sup>8</sup> Evidence of an adjudicative action is the notification of, but not necessarily receipt of, an approval, denial, RFE, or NOID.

### C. Legal Authorities

- [INA 103](#) – Powers and duties of the Secretary, Under Secretary, and Attorney General
- [INA 286\(m\)](#) – Immigration Examinations Fee Account
- [8 CFR 103.2](#) – Submission and adjudication of benefit requests
- [8 CFR 106.2](#) – Fees
- [8 CFR 106.3](#) – Fee waivers and exemptions

### Chapter 2. Signatures

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### Chapter 3. Fees

Requestors must include any required fees with the submission of a benefit request to USCIS. This payment must be in U.S. currency.<sup>9</sup>

The fee amount for each benefit request is controlled by regulation and identified in the corresponding form instructions.<sup>10</sup> The total fee amount for each form is not determined solely by the fee required for the associated form.<sup>11</sup> Additional fees may be required, such as a biometric services<sup>12</sup> fee or the fraud detection and prevention fee.<sup>13</sup> The additional services needed in a given situation dictate which additional fees are added to the total amount. The form instructions for the particular form generally indicate when the parties filing a request must pay an additional fee and the amount of that fee.

USCIS may waive the fee for certain immigration benefit requests if the requestor requests that the fee be waived and meets the eligibility criteria for the fee waiver.<sup>14</sup> Certain forms or categories of requestors may also be exempt from fees. The [Filing Fees](#) webpage provides information about USCIS fees, and requestors can use the [Fee Calculator](#) to determine the exact filing and biometric services fees for any form processed at a USCIS Lockbox facility.<sup>15</sup>

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<sup>9</sup> See [8 CFR 106.2](#). Certain USCIS forms are not listed in 8 CFR 106.2 and therefore have no fee.

<sup>10</sup> See [8 CFR 106.2](#). See the [USCIS website](#) for a complete list of all forms and form instructions.

<sup>11</sup> See [8 CFR 106.2](#).

<sup>12</sup> Most forms no longer require a separate biometric services fee. See the form instructions for specific information about biometric services fee requirements.

<sup>13</sup> See [8 CFR 106.2\(c\)\(5\)](#).

<sup>14</sup> See [8 CFR 106.3](#). See [INA 286\(m\)](#) (authorizing USCIS fees to recover the costs of services provided without charge).

<sup>15</sup> For more information, see the [Forms Processed at USCIS Lockbox Facilities](#) webpage.

## A. Fee Submission

Once USCIS receives the proper fee<sup>16</sup> and determines the request meets all other basic acceptance criteria, USCIS accepts the submission of the benefit request and sends the benefit requestor a receipt notice. USCIS rejects submissions that do not contain valid payment of the correct fee amount or otherwise do not meet the acceptance criteria.<sup>17</sup> If the payment is not collectable and USCIS has approved the benefit request, USCIS may revoke the approval with notice.<sup>18</sup>

### *Unfunded Payments*

If a check or other financial instrument used to pay a fee is returned as unpayable because of insufficient funds, USCIS resubmits the payment to the remitter institution one time. If the remitter institution returns the instrument used to pay a fee as unpayable a second time, USCIS rejects the filing. USCIS does not redeposit financial instruments returned as unpayable for a reason other than insufficient funds. If a check or other financial instrument used to pay a fee is dated more than 1 year before USCIS receives the request, USCIS may reject the payment and request.<sup>19</sup>

## B. Forms of Payment

USCIS accepts different payment methods depending on whether the benefit requestor resides inside or outside of the United States. USCIS does not accept all forms of payment.

Benefit requestors filing from outside of the United States should go to [uscis.gov/forms](https://uscis.gov/forms) to determine whether a form may be filed from outside of the United States. Depending on the form, the benefit requestor may pay fees online, by mail, or in person at a U.S. embassy or consulate.<sup>20</sup>

### 1. Credit Card<sup>21</sup>

USCIS accepts credit card payments to pay fees associated with benefit requests filed with one of the USCIS Lockbox facilities.<sup>22</sup> Whether a benefit requestor submits the benefit request through a USCIS Lockbox or files online, he or she may use a credit card, debit card, or pre-paid card. Applicants filing by mail must use an Authorization for Credit Card Transactions ([Form G-1450](#)) to pay with a credit card.

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<sup>16</sup> Unless otherwise exempt from the fees or has an approved fee waiver.

<sup>17</sup> See [8 CFR 103.2](#).

<sup>18</sup> See [8 CFR 106.1\(c\)\(2\)](#).

<sup>19</sup> See [8 CFR 103.2\(a\)\(7\)\(ii\)\(D\)](#).

<sup>20</sup> For information on how to pay USCIS fees outside of the United States, see the [International Immigration Offices](#) webpage or contact the appropriate [U.S. Embassy or Consulate](#).

<sup>21</sup> For more information, see the [Pay with a Credit Card](#) webpage.

<sup>22</sup> For more information, see the [Forms Processed at USCIS Lockbox Facilities](#) webpage.

USCIS uses the information provided on [Form G-1450](#) to process a credit card payment through either the U.S. Department of Treasury Pay.gov Collection Control Panel (CCP) or the Trusted Collections Service (TCS). CCP and TCS are web-based applications that allow federal government agencies to process payments by credit or debit cards.

After USCIS processes Form G-1450, USCIS destroys the authorization, regardless of whether USCIS accepts or rejects the associated benefit request. If the credit card is declined, USCIS rejects the associated request for lack of payment and does not attempt to process the credit card payment a second time.

## 2. Check

Benefit requestors may generally pay fees with bank drafts, cashier's check, certified checks, personal checks, and money orders drawn on U.S. financial institutions and payable in U.S. funds.<sup>23</sup> Benefit requestors should refer to the form instructions for the most up-to-date information.<sup>24</sup>

## 3. Online Payment

The [USCIS online system](#) guides benefit requestors filing online through the process of paying fees online. Once the form is ready for submission, the system directs the benefit requestor to [Pay.gov](#) to pay. If the payment is declined, the request cannot be submitted due to lack of payment.<sup>25</sup>

## C. Refunds

Fees submitted to USCIS are generally non-refundable, regardless of the ultimate decision on the benefit request or how much time is required to issue a decision.<sup>26</sup> There are a few exceptions to this rule, such as if USCIS makes an error that results in the unnecessary filing of a form or if USCIS collects the wrong fee.<sup>27</sup>

If a benefit requestor believes that he or she is entitled to a refund of a fee, the requestor should contact the [USCIS Contact Center](#), or submit a written request for a refund to the USCIS office with jurisdiction over the benefit request.

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<sup>23</sup> Some USCIS offices no longer accept money orders or cashier's checks for in-person fee payments. For updates, see [USCIS Alerts](#).

<sup>24</sup> For more information on paying with a check or how to fill out the check, see [Filing Fees](#) webpage.

<sup>25</sup> For more information on submitting an online payment, see [Tips for Filings Forms Online](#) webpage.

<sup>26</sup> See [8 CFR 103.2\(a\)\(1\)](#).

<sup>27</sup> An example of an unnecessary filing of a form is if, at the advice of USCIS, an applicant files a waiver application for a ground of inadmissibility that is inapplicable to that applicant.

USCIS reviews the request for a refund and either approves or denies the request based on the available information. If the officer finds USCIS made an error, the officer should complete a Request for Refund of Fee (Form G-266). USCIS then notifies the requestor of its decision on the request. All Forms G-266 must be signed by a District or Service Center Director, or a person within the chain of command that has been delegated that authority.

## Chapter 4. Fee Waivers

In general, fees for immigration benefits may not be waived unless otherwise provided under law.<sup>28</sup> To be eligible for a fee waiver, generally, the requestor must meet the following requirements:

- Be one of a limited number of categories of requestors who are authorized to request a fee waiver based on statutory or regulatory authority;<sup>29</sup> and
- Have a total gross household income at or below 125 percent of the [Federal Poverty Guidelines](#) (FPG).

There is no fee required to file a fee waiver request.

If a benefit request includes both the appropriate filing fee and a fee waiver request, USCIS does not adjudicate the fee waiver request. In such a case, USCIS deposits the fee and processes the immigration benefit request, if it is otherwise acceptable.

### A. Filing of Fee Waiver Request

To request a fee waiver, a benefit requestor must submit a:

- Request for Fee Waiver ([Form I-912](#)); and
- Documentation establishing eligibility for a fee waiver.

Each person seeking to waive filing fees must submit a separate Form I-912 and supporting documentation. The person requesting the fee waiver must sign the request.<sup>30</sup> The burden of proof is on the requestor to establish eligibility for a fee waiver.

USCIS does not review fee waiver requests submitted for benefit requests that USCIS rejected for reasons unrelated to the fee. For example, USCIS does not review fee waiver requests if an application is defective due to a missing signature.

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<sup>28</sup> See [8 CFR 106.3](#). Certain USCIS forms are not listed in 8 CFR 106.2 and therefore have no fee.

<sup>29</sup> See [INA 245\(l\)\(7\)](#). See [8 CFR 106.3\(a\)](#).

<sup>30</sup> For information on valid signatures and who may sign, see Chapter 2, Signatures [[1 USCIS-PM B.2](#)].



## B. Eligible Categories of Requestors and Forms for Fee Waivers

The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) requires DHS to permit certain benefit requestors to apply for fee waivers for “any fees associated with filing an application for relief through final adjudication of the adjustment of status.”<sup>31</sup>

DHS interprets this provision<sup>32</sup> to mean that the petitioner or applicant must be provided the opportunity to request a fee waiver for any primary benefit request with a filing fee<sup>33</sup> and any form associated with the primary benefit request up to and including an application for adjustment of status. Some primary benefit request forms are fee exempt and do not require a filing fee.<sup>34</sup>

Therefore, the following categories of requestors may apply to waive filing fees for any primary benefit request with a filing fee and any forms associated with the primary benefit request up to and including an Application to Register Permanent Residence or Adjust Status ([Form I-485](#)) if they have an annual household income at or below 125 percent of the FPG and have a pending or approved petition or application for:<sup>35</sup>

- Violence Against Women Act (VAWA) benefits;<sup>36</sup>
- T nonimmigrant status;
- U nonimmigrant status;
- Benefits as battered spouses of A, G, E-3, or H nonimmigrants;
- Benefits as a battered spouse or child of a lawful permanent resident (LPR) or U.S. citizen under INA 240A(b)(2) (also includes a child of a battered spouse or child of an LPR or U.S. citizen and a parent of a battered child of an LPR or U.S. citizen as provided under [INA 240A\(b\)\(4\)](#)); and

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<sup>31</sup> See Section 201(d)(3) of TVPRA 2008, [Pub. L. 110-457](#), 122 Stat. 5044, 5054 (December 23, 2008) (adding [INA 245\(l\)\(7\)](#)).

<sup>32</sup> See Section 201(d)(3) of TVPRA 2008, [Pub. L. 110-457](#), 122 Stat. 5044, 5054 (December 23, 2008) (adding [INA 245\(l\)\(7\)](#)).

<sup>33</sup> For more information, see the table below titled, “Categories of Requestors and Related Forms.”

<sup>34</sup> Examples of primary benefit request forms that are fee exempt include, but are not limited to, the Application for T Nonimmigrant Status ([Form I-914](#)), Application for Family Member of T-1 Recipient ([Form I-914, Supplement A](#)), Petition for U Nonimmigrant Status ([Form I-918](#)), Petition for Qualifying Family Member of U-1 Recipient ([Form I-918, Supplement A](#)), and a VAWA-based Petition for Amerasian, Widow(er), or Special Immigrant ([Form I-360](#)).

<sup>35</sup> See [8 CFR 106.3\(a\)\(1\)](#).

<sup>36</sup> VAWA benefits requestors include VAWA self-petitioners and derivatives as defined under [INA 101\(a\)\(51\)](#) and anyone otherwise self-petitioning due to battery or extreme cruelty under [INA 204\(a\)](#).

- Temporary protected status (TPS).

In addition, USCIS allows these categories of requestors to file for a fee waiver for naturalization and citizenship-based applications.<sup>37</sup>

The following requestors with a pending or approved petition for the specified categories are also eligible for fee waivers:<sup>38</sup>

- Special immigrant juveniles (SIJs) who have been placed in out-of-home care under the supervision of a juvenile court or a state child welfare agency at the time of filing; and
- Afghan or Iraqi translators or interpreters, Iraqi nationals employed by or on behalf of the U.S. government, or Afghan nationals employed by or on behalf of the U.S. government or employed by the International Security Assistance Forces (ISAF).

The table below lists, by category of requestor, the form(s) for which DHS is required to provide an opportunity to request a fee waiver<sup>39</sup> or are otherwise exempt from the fees.

#### Categories of Requestors and Related Forms<sup>40</sup>

Category of Requestor	Related Forms and Fee Information that Applies to Requestor
<b>VAWA self-petitioners and derivatives, including those filing:<sup>41</sup></b>	<b>No fee:</b>

<sup>37</sup> See [8 CFR 106.3\(a\)\(3\)](#).

<sup>38</sup> See [8 CFR 106.3\(a\)\(2\) and \(3\)](#).

<sup>39</sup> For example, Application for Permission to Reapply for Admission into the United States After Deportation or Removal ([Form I-212](#)), Application to Register Permanent Residence or Adjust Status ([Form I-485](#)), Application To Extend/Change Nonimmigrant Status ([Form I-539](#)), and Application for Waiver of Grounds of Inadmissibility ([Form I-601](#)).

<sup>40</sup> Under the settlement agreement concluded in *American Baptist Churches v. Thornburgh*, 760 F. Supp. 976 (N.D. Cal. 1991) (ABC), “eligible class members who can demonstrate that they fall within the poverty guidelines as set forth in 45 CFR 1060.2 will not be required to pay the fee.” DHS continues to allow these applicants to request a fee waiver. In 1991, the U.S. Department of Health and Human Services (HHS) codified at 45 CFR 1060.2 (1990) the FPG issued by the former HHS Office of Economic Opportunity/Community Services Administration. The ABC settlement agreement requires USCIS to waive fees for those covered by the agreement who fall squarely within the FPG.

<sup>41</sup> This category includes VAWA self-petitioners and derivatives as defined in [INA 101\(a\)\(51\)](#) or those otherwise self-petitioning for immigrant classification or seeking adjustment of status due to abuse by a qualifying relative. See [INA 101\(a\)\(51\)](#). See [INA 204\(a\)](#). See [INA 245\(l\)\(7\)](#). See TVPRA, [Pub. L. 110-457](#), 122 Stat. 5044 (December 23, 2008). See [22 U.S.C. 7101](#) et seq. For battered spouses of A, G, E-3, or H nonimmigrants under [INA 106](#), there is no fee for filing an Application for Employment Authorization for Abused Nonimmigrant Spouse ([Form I-765V](#)).

**Categories of Requestors and Related Forms<sup>40</sup>**

<b>Category of Requestor</b>	<b>Related Forms and Fee Information that Applies to Requestor</b>
<ul style="list-style-type: none"> <li>• Form I-360 based on battery or extreme cruelty;</li> <li>• Applications for a waiver of the joint filing requirement for Form I-751 based on battery and extreme cruelty;</li> <li>• Form I-485 based on dependent status under the Haitian Refugee Immigrant Fairness Act and under the Cuban Adjustment Act for battered spouses and children;<sup>42</sup> and</li> <li>• Application for Suspension of Deportation or Special Rule Cancellation of Removal (<a href="#">Form I-881</a>) under the Nicaraguan Adjustment and Central American Relief Act for battered spouses and children<sup>43</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Petition for Amerasian, Widow(er), or Special Immigrant (<a href="#">Form I-360</a>)</li> <li>• Application for Employment Authorization (<a href="#">Form I-765</a>) (generally no initial fee for principals)<sup>44</sup></li> </ul> <p><b>Eligible for fee waiver:</b></p> <ul style="list-style-type: none"> <li>• Application to Register Permanent Residence or Adjust Status (<a href="#">Form I-485</a>)</li> <li>• Petition to Remove Conditions on Residence (<a href="#">Form I-751</a>)</li> <li>• Application for Suspension of Deportation or Special Rule Cancellation of Removal (<a href="#">Form I-881</a>)</li> <li>• Application for Travel Document (<a href="#">Form I-131</a>)<sup>45</sup></li> <li>• Application for Permission to Reapply for Admission into the United States After Deportation or Removal (<a href="#">Form I-212</a>)</li> <li>• Notice of Appeal or Motion (<a href="#">Form I-290B</a>)</li> <li>• Application for Waiver of Grounds of Inadmissibility (<a href="#">Form I-601</a>)</li> <li>• Application for Employment Authorization (<a href="#">Form I-765</a>)</li> </ul>

<sup>42</sup> See Section 1511 of VTVPA, [Pub. L. 106-386](#), 114 Stat. 1464, 1532 (October 28, 2000), Section 1505 of the LIFE Act Amendments, [Pub. L. 106-554](#), 114 Stat. 2763, 2753A-326 (December 21, 2000), Sections 811, 814, and 824 of VAWA 2005, [Pub. L. 109-162](#), 119 Stat. 2960, 3057-58 and 3063 (January 5, 2005), and [8 CFR 245.15](#). See Section 1509 of the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), [Pub. L. 106-386](#), 114 Stat. 1464, 1530 (October 28, 2000) and Sections 811, 814, and 823 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), [Pub. L. 109-162](#), 119 Stat. 2960, 3057-58 and 3063 (January 5, 2006).

<sup>43</sup> See the Nicaraguan Adjustment and Central American Relief Act, [Pub. L. 105-100](#), 111 Stat. 2193 (November 19, 1997). See Section 1510 of VTVPA, [Pub. L. 106-386](#), 114 Stat. 1464, 1531 (October 28, 2000).

<sup>44</sup> For specific information on fee exemptions for Form I-765, see Appendix: Filing Fee Exemptions.

<sup>45</sup> There is no fee for filing [Form I-131](#) or [Form I-765](#) if filed in conjunction with a pending or concurrently filed [Form I-485](#) with fee that was filed on or after July 30, 2007 and before October 2, 2020. See [8 CFR 106.3\(i\)\(M\)\(4\)](#).

**Categories of Requestors and Related Forms<sup>40</sup>**

Category of Requestor	Related Forms and Fee Information that Applies to Requestor
	<ul style="list-style-type: none"> <li>• Application for Naturalization (<a href="#">Form N-400</a>)</li> <li>• Application for Certificate of Citizenship (<a href="#">Form N-600</a>)</li> <li>• Application for Citizenship and Issuance of Certificate Under Section 322 (<a href="#">Form N-600K</a>)</li> </ul>
<p><b>Victims of severe form of trafficking (T nonimmigrants)<sup>46</sup></b></p>	<p><b>No fee:</b></p> <ul style="list-style-type: none"> <li>• Application for T Nonimmigrant Status (<a href="#">Form I-914</a>)</li> <li>• Application for Family Member of T-1 Recipient (<a href="#">Form I-914, Supplement A</a>)</li> <li>• Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (<a href="#">Form I-914, Supplement B</a>)</li> <li>• Application for Employment Authorization (<a href="#">Form I-765</a>) (no initial fee for principals)</li> </ul> <p><b>Eligible for fee waiver:</b></p> <ul style="list-style-type: none"> <li>• Application to Register Permanent Residence or Adjust Status (<a href="#">Form I-485</a>)</li> <li>• Application for Travel Document (<a href="#">Form I-131</a>)</li> <li>• Application for Advance Permission to Enter as a Nonimmigrant (<a href="#">Form I-192</a>)</li> <li>• Application for Waiver of Passport and/or Visa (<a href="#">Form I-193</a>)</li> <li>• Notice of Appeal or Motion (<a href="#">Form I-290B</a>)</li> <li>• Application to Change/Extend Nonimmigrant Status (<a href="#">Form I-539</a>)</li> <li>• Application for Waiver of Grounds of Inadmissibility (<a href="#">Form I-601</a>)</li> </ul>

<sup>46</sup> See [INA 101\(a\)\(15\)\(T\)](#) (T nonimmigrant status for victims of severe form of trafficking in persons). The derivative relative must either pay the required fee associated with Form I-765 or submit Form I-912 to request that the fee be waived.

**Categories of Requestors and Related Forms<sup>40</sup>**

Category of Requestor	Related Forms and Fee Information that Applies to Requestor
	<ul style="list-style-type: none"> <li>• Application for Employment Authorization (<a href="#">Form I-765</a>)</li> <li>• Application for Naturalization (<a href="#">Form N-400</a>)</li> <li>• Application for Certificate of Citizenship (<a href="#">Form N-600</a>)</li> <li>• Application for Citizenship and Issuance of Certificate Under Section 322 (<a href="#">Form N-600K</a>)</li> </ul>
<p><b>Victims of qualifying criminal activity (U nonimmigrants)<sup>47</sup></b></p>	<p><b>No fee:</b></p> <ul style="list-style-type: none"> <li>• Petition for U Nonimmigrant Status (<a href="#">Form I-918</a>)</li> <li>• Petition for Qualifying Family Member of U-1 Recipient (<a href="#">Form I-918, Supplement A</a>)</li> <li>• U Nonimmigrant Status Certification (<a href="#">Form I-918, Supplement B</a>)</li> <li>• Application for Employment Authorization (<a href="#">Form I-765</a>) (no initial fee for principals)</li> </ul> <p><b>Eligible for fee waiver:</b></p> <ul style="list-style-type: none"> <li>• Petition for Qualifying Family Member of a U-1 Nonimmigrant (<a href="#">Form I-929</a>)</li> <li>• Application to Register Permanent Residence or Adjust Status (<a href="#">Form I-485</a>)</li> <li>• Application for Travel Document (<a href="#">Form I-131</a>)</li> <li>• Application for Advance Permission to Enter as a Nonimmigrant (<a href="#">Form I-192</a>)</li> <li>• Application for Waiver of Passport and/or Visa (<a href="#">Form I-193</a>)</li> <li>• Notice of Appeal or Motion (<a href="#">Form I-290B</a>)</li> </ul>

<sup>47</sup> See [INA 101\(a\)\(15\)\(U\)](#) (U nonimmigrant status for victims of criminal activity). The qualifying family member must either pay the required fee associated with Form I-765 or submit Form I-912 to request that the fee be waived.

**Categories of Requestors and Related Forms<sup>40</sup>**

<b>Category of Requestor</b>	<b>Related Forms and Fee Information that Applies to Requestor</b>
	<ul style="list-style-type: none"> <li>• Application to Change/Extend Nonimmigrant Status (<a href="#">Form I-539</a>)</li> <li>• Application for Waiver of Grounds of Inadmissibility (<a href="#">Form I-601</a>)</li> <li>• Application for Employment Authorization (<a href="#">Form I-765</a>)</li> <li>• Application for Naturalization (<a href="#">Form N-400</a>)</li> <li>• Application for Certificate of Citizenship (<a href="#">Form N-600</a>)</li> <li>• Application for Citizenship and Issuance of Certificate Under Section 322 (<a href="#">Form N-600K</a>)</li> </ul>
<p><b>Battered spouses or children of an LPR or U.S. citizen under INA 240A(b)(2) (also includes children of battered spouses and children of an LPR or U.S. citizen and parents of battered children of an LPR or U.S. citizen under INA 240A(b)(4))</b></p> <p>(This category is included in any reference to “VAWA” used throughout this Policy Manual part.)</p>	<p><b>Eligible for fee waiver:</b></p> <ul style="list-style-type: none"> <li>• Waiver of Grounds of Inadmissibility (<a href="#">Form I-601</a>)</li> <li>• Form Application for Naturalization (<a href="#">Form N-400</a>)</li> <li>• Form Application for Certificate of Citizenship (<a href="#">Form N-600</a>)</li> <li>• Form Application for Citizenship and Issuance of Certificate Under Section 322 (<a href="#">Form N-600K</a>)</li> </ul>
<p><b>TPS<sup>48</sup></b></p>	<p><b>Eligible for fee waiver:</b></p> <ul style="list-style-type: none"> <li>• Application for Temporary Protected Status (<a href="#">Form I-821</a>)</li> <li>• Biometric services fee</li> <li>• Application for Travel Document (<a href="#">Form I-131</a>)</li> <li>• Application for Waiver of Grounds of Inadmissibility (<a href="#">Form I-601</a>)</li> <li>• Application for Employment Authorization (<a href="#">Form I-765</a>)</li> </ul>

<sup>48</sup> See [INA 244](#). See [INA 245\(l\)\(7\)](#). This category includes TPS beneficiaries re-registering for TPS and initial TPS applicants.

**Categories of Requestors and Related Forms<sup>40</sup>**

<b>Category of Requestor</b>	<b>Related Forms and Fee Information that Applies to Requestor</b>
<p><b>SIJs who have been placed in out-of-home care under the supervision of a juvenile court or a state child welfare agency at the time of filing</b></p>	<p><b>No fee:</b></p> <ul style="list-style-type: none"> <li>• Petition for Amerasian, Widow(er), or Special Immigrant (<a href="#">Form I-360</a>)</li> </ul> <p><b>Eligible for fee waiver:</b></p> <ul style="list-style-type: none"> <li>• Application to Register Permanent Residence or Adjust Status (<a href="#">Form I-485</a>)</li> <li>• Application for Travel Document (<a href="#">Form I-131</a>)</li> <li>• Application for Permission to Reapply for Admission into the United States After Deportation or Removal (<a href="#">Form I-212</a>)</li> <li>• Notice of Appeal or Motion (<a href="#">Form I-290B</a>)</li> <li>• Application for Waiver of Grounds of Inadmissibility (<a href="#">Form I-601</a>)</li> <li>• Application for Employment Authorization (<a href="#">Form I-765</a>)</li> <li>• Application for Naturalization (<a href="#">Form N-400</a>)</li> <li>• Application for Certificate of Citizenship (<a href="#">Form N-600</a>)</li> <li>• Application for Citizenship and Issuance of Certificate Under Section 322 (<a href="#">Form N-600K</a>)</li> </ul>
<p><b>Special immigrant Afghan or Iraqi translators or interpreters, Iraqi nationals employed by or on behalf of the U.S. government, or Afghan nationals employed by or on behalf of the U.S. government or employed by the ISAF</b></p>	<p><b>No fee:</b></p> <ul style="list-style-type: none"> <li>• Petition for Amerasian, Widow(er), or Special Immigrant (<a href="#">Form I-360</a>)</li> <li>• Application to Register Permanent Residence or Adjust Status (<a href="#">Form I-485</a>)</li> <li>• Application for Travel Document (<a href="#">Form I-131</a>)</li> <li>• Notice of Appeal or Motion (<a href="#">Form I-290B</a>)</li> <li>• Application for Employment Authorization (<a href="#">Form I-765</a>)</li> </ul> <p><b>Eligible for fee waiver:</b></p>

### Categories of Requestors and Related Forms<sup>40</sup>

Category of Requestor	Related Forms and Fee Information that Applies to Requestor
	<ul style="list-style-type: none"><li>• Application for Permission to Reapply for Admission into the United States After Deportation or Removal (<a href="#">Form I-212</a>)</li><li>• Application for Waiver of Grounds of Inadmissibility (<a href="#">Form I-601</a>)</li><li>• Application for Naturalization (<a href="#">Form N-400</a>)</li><li>• Application for Certificate of Citizenship (<a href="#">Form N-600</a>)</li><li>• Application for Citizenship and Issuance of Certificate Under Section 322 (<a href="#">Form N-600K</a>)</li></ul>

#### 1. Documentation of an Eligible Category

To apply for a fee waiver, a requestor must submit documentation to show that he or she falls into a category eligible for a fee waiver, such as evidence of a petition or application pending with USCIS for an eligible benefit category listed in the above table. Documentation may include:

- A copy of any type of Notice of Action ([Form I-797](#)) for the benefit; or
- A copy of a permanent resident card with the eligible category annotated.

For concurrently filed applications, USCIS officers review the type of submitted benefit request and the category requested to determine whether the requestor is eligible for a fee waiver or requestors may submit a copy of the primary benefit petition or application that was filed. For example, a TPS applicant who files an initial Form I-821<sup>49</sup> and Form I-131 at the same time would establish the category eligible for a fee waiver based on the form filings.

An officer may verify in the available systems whether the requestor has applied for or received a benefit for one of the eligible categories.

#### 2. Third-Party Fee Waiver Request

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<sup>49</sup> There is no fee for a Form I-821 filed to renew TPS.



USCIS cannot waive the fee for any U.S. Department of Justice (DOJ) Executive Office for Immigration Review (EOIR) forms, but an immigration judge may waive fees for EOIR forms as well as requests filed on USCIS forms in an immigration court proceeding.<sup>50</sup> Immigration judges may also request that USCIS consider a fee waiver request for a party in their court. In such cases, the requestor must still submit a Request for Fee Waiver ([Form I-912](#)) and evidence of eligibility for the fee waiver to USCIS.

### **C. Gross Income At or Below 125 Percent of Federal Poverty Guidelines**

To be eligible for a fee waiver, the applicant must also demonstrate that his or her total gross household income at the time of filing is at or below 125 percent of the current [FPG](#) based on household size in order to be eligible for a fee waiver. USCIS does not review the applicant's past or future income or financial situation when determining household income. The Secretary of the U.S. Department of Health and Human Services (HHS) establishes the [FPG](#) annually.<sup>51</sup>

#### **1. Household**

For fee waiver review purposes, a household<sup>52</sup> may include:

- The requestor;
- The head of household (if not the requestor);
- The requestor's spouse, if living with the requestor (if the requestor and spouse are separated or not living together, then the spouse is not included as part of the household);<sup>53</sup> or
- Any family members living in the requestor's household who are dependent on the applicant's income, the spouse's income, or the head of household's income.

Family members living in the requestor's household may include the:

- Requestor's children or legal wards who are unmarried and under 21 years of age;
- Requestor's children or legal wards who are unmarried, are 21 years of age or over but under 24 years of age, and are full-time students;

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<sup>50</sup> See [8 CFR 1003.24\(d\)](#). See [8 CFR 1103.7](#).

<sup>51</sup> See HHS Poverty Guidelines for Fee Waiver Request ([Form I-912P](#)).

<sup>52</sup> If the requestor submits any joint-filed federal tax returns, USCIS reviews the household size to determine household members or spouses.

<sup>53</sup> However, any additional income or financial support provided by the spouses must be included in the request. See Subsection 3, Additional Financial Assistance [[1 USCIS-PM B.4\(C\)\(3\)](#)].

- Requestor's children or legal wards who are unmarried and for whom the applicant is the legal guardian because the child or legal ward is physically or developmentally disabled, or mentally impaired to the extent that the child or legal ward cannot adequately care for him or herself, and cannot establish, maintain, or re-establish his or her own household;
- Requestor's parents; and
- Any other dependents listed on the requestor's federal income tax return, or the spouse's or head of household's federal income tax return.<sup>54</sup>

#### *Head of Household*

In general, the head of the household is the person who files the most recent federal tax return with the Internal Revenue Service (IRS) for the household, or the person who earns most of the income for the household.

#### *Other Household Members*

For the purpose of a fee waiver request, USCIS does not include people who are cohabitating with the applicant, but not financially supported by the applicant, such as roommates or nannies, within the definition of household.

## 2. Documentation

To demonstrate the household income, the requestor must provide:

- A copy of each household member's most recent federal tax return transcript;
- If a tax transcript is not available, a recent Form W-2 and a Form SSA-1099 (if applicable);
- If the law does not require the household member to file a federal income tax return, the requestor must submit the member's most recent Wage and Tax Statement (IRS Form W-2), Certain Government Payments (Form 1099-G), or Social Security Benefit Form SSA-1099 (if applicable);
- If the household member filed a federal income tax return, and has recently changed employment or had a change in salary, the requestor must also submit copies of the member's consecutive pay statements (stubs) for the most recent month or longer;

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<sup>54</sup> USCIS reviews the Internal Revenue Service (IRS) federal income tax return transcripts to examine whether the requestor listed any dependents.

- If the household member does not have income and has not filed income tax returns, the requestor must submit documentation from the IRS that indicates that the IRS did not find federal income tax transcripts or Form W-2s for that member; and
- Documentation of additional financial assistance.<sup>55</sup>

If the household member's income has changed since the tax return filing because of unemployment, the requestor must provide evidence of the member's unemployment such as a termination letter or unemployment insurance receipt. If the member's income has changed since the tax return filing due to a change in employment, the requestor must provide information on the current employment and income, such as recent pay statements or Form W-2.

If the household members reside and filed tax returns in a U.S. territory, the requestor must submit the tax return transcript from the territory instead of a federal tax return transcript if not required to file a federal tax return.

#### *Tax Returns*

If the request is filed between January 1 and April 15,<sup>56</sup> and the household member has not yet filed the previous year's return, the requestor must submit the member's tax returns transcript for the most recently filed year and provide an explanation in Form I-912 for the lack of filing.<sup>57</sup> The requestor is not required to have the IRS certify the transcript.

USCIS uses the gross income from IRS Form 1040 or W-2 including any overtime and irregular hours as listed to calculate the annual income. Gross income includes wages, dividends, capital gains, business income, retirement distributions as well as other income without any adjustments.

In determining total household income, USCIS adds any Social Security income (as reflected on the SSA-1099) to the gross income in the tax return.

USCIS does not accept Earned Income Tax Credit (EITC) statements, Miscellaneous Income (Form 1099-MISC), and Certain Government Payments (Form 1099-G) as proof of income without the tax return transcripts, W-2s, or Social Security statements.

The requestor may provide additional documentation to establish marital status and household size. If the requestor's current situation is different from the documentation provided, he or she must provide an explanation regarding the inconsistency in the documentation. For example, if a tax return transcript indicates the requestor is married but

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<sup>55</sup> See Subsection 3, Additional Financial Assistance [[1 USCIS-PM B.4\(C\)\(3\)](#)].

<sup>56</sup> IRS may extend this date based on specific circumstances. See for example, [Taxpayer Extension for 2020](#).

<sup>57</sup> For information on obtaining federal income tax transcripts without a fee, see [irs.gov/individuals/get-transcript](#).

the requestor is currently separated or states in the fee waiver request that he or she is single, the requestor must provide an additional explanation for the inconsistency and the documentation for income.

To establish income or that an IRS transcript is not available, a requestor may use [IRS Form 4506-T](#) to request:

- An income tax transcript;
- A copy of Form W-2; or
- Form 1099-G.

If the requestor provided tax returns as part of another filing with USCIS, such as an affidavit of support, the requestor does not need to submit additional tax return transcripts.<sup>58</sup>

#### *VAWA, T, and U Applicants*

Requestors seeking a fee waiver for any immigration benefit associated with or based on a pending or approved petition or application for VAWA benefits<sup>59</sup> or T or U nonimmigrant status do not need to list the following people as household members or provide the income of:

- Any person in the household who is or was the requestor's abuser, human trafficker, or perpetrator; or
- A person who is or was a member of the abuser, human trafficker, or perpetrator's household.

In addition, such requestors do not need to list their spouse as a household member or include their spouse's income in the fee waiver request.

If a VAWA self-petitioner<sup>60</sup> (or his or her derivative) or a T or U nonimmigrant does not have any income or cannot provide proof of income, he or she may:

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<sup>58</sup> See Affidavit of Support Under Section 213A of the INA ([Form I-864](#)). If the requestor submitted an affidavit of support as part of another filing, USCIS reviews the affidavit of support for any inconsistencies with the fee waiver request.

<sup>59</sup> VAWA benefits include VAWA self-petitioners and derivatives as defined under [INA 101\(a\)\(51\)](#) and anyone otherwise self-petitioning due to battery or extreme cruelty under [INA 204\(a\)](#).

<sup>60</sup> Includes VAWA self-petitioners and their derivatives as defined under [INA 101\(a\)\(51\)](#) and anyone otherwise self-petitioning due to battery or extreme cruelty under [INA 204\(a\)](#).

- Describe the situation in sufficient detail in the fee waiver request to substantiate lack of income or income at or below 125 percent of the FPG, as well as his or her inability to obtain the required documentation; and
- Provide any documentation of his or her income, such as pay stubs or affidavits from religious institutions, non-profits, or other community-based organizations, verifying that he or she is currently receiving some benefit or support from that entity and attesting to his or her financial situation, if available.

### *Special Immigrant Juveniles*

A petitioner or recipient of SIJ classification who has been placed in out-of-home care and files a fee waiver request for an associated application for adjustment of status or related forms, or an application for naturalization or citizenship, does not need to provide proof of income.<sup>61</sup>

USCIS considers requestors in this category as part of their own household, without including any foster or group home household members. Instead of proof of income, the fee waiver request must include the following forms of evidence:

- Documentation showing that the requestor has a pending or approved petition for SIJ classification (for example, a copy of the submitted Petition for Amerasian, Widow(er), or Special Immigrant ([Form I-360](#)), or a copy of Notice of Action (Form I-797) for Form I-360);<sup>62</sup> and
- Documentation showing that the requestor is in out-of-home care under the supervision of a juvenile court or a state child welfare agency at the time of filling the fee waiver request.

Evidence that the requestor is in out-of-home care includes:

- An order from a juvenile court placing the SIJ petitioner or recipient in out-of-home care, such as foster care; or
- A recent letter from a state child welfare agency authorized with overseeing the SIJ petitioner's or recipient's care and documenting the care they are receiving.

These documents must be dated and show that the requestor is in out-of-home care at the time of filing the fee waiver request. A requestor whose placement in out-of-home care has terminated due to age or for other reasons is not eligible for a fee waiver under this category.

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<sup>61</sup> See [8 CFR 106.3\(f\)\(6\)](#).

<sup>62</sup> An officer may verify in the available systems whether the requestor has petitioned for, or received, SIJ classification.

### 3. Additional Financial Assistance

The table below includes the types of additional financial assistance included as part of the total household income and USCIS includes as income in the fee waiver request. The requestor must also provide documentation of each type of additional financial assistance that applies.

<b>Additional Financial Assistance</b>
<ul style="list-style-type: none"><li>• Parental support</li><li>• Child support</li><li>• Pensions</li><li>• Royalties</li><li>• Unemployment benefits</li><li>• Alimony</li><li>• Educational stipends</li><li>• Social Security</li><li>• Veterans benefits</li><li>• A court order of any child support or documentation from an agency providing other income or financial assistance</li><li>• Consistent or regular financial support from adult children, parents, dependents, or other people living in the applicant's household</li></ul>

### **D. Emergent Circumstances**

Natural catastrophes and other extreme situations<sup>63</sup> beyond one's control may affect one's ability to pay USCIS fees. Based on the USCIS Director's authority to waive a required fee,<sup>64</sup> USCIS may designate certain time periods or events in which a person may file a fee waiver

<sup>63</sup> Including major natural disasters declared in accordance with [44 CFR 206, subpart B](#).

<sup>64</sup> See [8 CFR 106.3\(b\)](#). This discretionary authority may be delegated only to the USCIS Deputy Director.

request when he or she might otherwise not be eligible.<sup>65</sup> The requestor must still file a fee waiver request and establish that he or she:

- Has income at or below 125 percent of the FPG;
- Is not subject to the affidavit of support requirements<sup>66</sup> or is already a sponsored immigrant<sup>67</sup> unless the applicant is seeking a waiver of the joint filing requirement to remove conditions on his or her residence based on abuse; and
- Is not subject to the public charge inadmissibility ground.<sup>68</sup>

Unless otherwise eligible, requestors may only seek a fee waiver under those emergent circumstances described in the [Special Situations](#) webpage.

## E. Adjudication

Each fee waiver request is unique and USCIS considers each request on its own merits. USCIS may grant a fee waiver request when USCIS determines that the applicant has met the eligibility requirements. USCIS adjudicates the fee waiver request based on the information provided in the Request for Fee Waiver ([Form I-912](#)) and any additional documentation submitted in support of the fee waiver request at the time of filing. USCIS does not issue any Requests for Evidence for fee waiver requests.

When adjudicating a fee waiver request, an officer should complete the following steps in the table to determine eligibility.

### Overview of Fee Waiver Eligibility Determination

Step		For More Information
1	Determine whether the form was properly signed.	Chapter 2, Signatures [ <a href="#">1 USCIS-PM B.2</a> ]
2	Identify whether the form has a fee.	Chapter 3, Fees [ <a href="#">1 USCIS-PM B.3</a> ]

<sup>65</sup> See [Special Situations](#) web page. For example, USCIS allowed for consideration of fee waivers for those affected by South Carolina floods in 2015.

<sup>66</sup> See [INA 213A](#). See Volume 8, Admissibility, Part G, Public Charge Ground of Inadmissibility, Chapter 13, Additional Support through Sponsorship [[8 USCIS-PM G.13](#)].

<sup>67</sup> As defined in [8 CFR 213a.1](#).

<sup>68</sup> See [INA 212\(a\)\(4\)](#). See Volume 8, Admissibility, Part G, Public Charge Ground of Inadmissibility [[8 USCIS-PM G](#)].

### Overview of Fee Waiver Eligibility Determination

	Step	For More Information
3	Verify whether the applicant has a pending or approved petition or application for a benefit category eligible for a fee waiver.	Section B, Eligible Categories of Requestors and Forms for Fee Waivers [ <a href="#">1 USCIS-PM B.4</a> ]
4	Verify whether the form type is eligible for a fee waiver.	Section B, Eligible Categories of Requestors and Forms for Fee Waivers [ <a href="#">1 USCIS-PM B.4</a> ]
5	Determine the household size and the level at which the applicant may qualify based on the household size. <sup>69</sup>	Section C, Gross Income at or Below 125 Percent of Federal Poverty Guidelines, Subsection 1, Household [ <a href="#">1 USCIS-PM B.4(C)(1)</a> ]
6	Identify all valid sources of income applicable to the household and that the requestor submitted the proper documentation of income (or lack of income).	Section C, Gross Income at or Below 125 Percent of Federal Poverty Guidelines [ <a href="#">1 USCIS-PM B.4(C)</a> ]
7	Determine whether the requestor’s gross income is at or below 125 percent of the relevant FPG level (based on household size).	Section C, Gross Income at or Below 125 Percent of Federal Poverty Guidelines, Subsection 2, Documentation [ <a href="#">1 USCIS-PM B.4(C)(2)</a> ]

#### Rejection

If USCIS determines that the requestor is not eligible for a fee waiver, then USCIS rejects the fee waiver request and the benefit request. The rejection notice must provide the requestor detailed reasons for the rejection. The table below provides a non-exhaustive list of common reasons for rejection.

<sup>69</sup> See the HHS Poverty Guidelines for Fee Waiver Request ([Form I-912P](#)).



### Reasons for Rejecting Fee Waiver Request

Reason	Explanation
Lack of proper filing	Requestor did not submit a Request for Fee Waiver ( <a href="#">Form I-912</a> ). Requestor did not submit an individual Form I-912.
Ineligible form or category	Requestor does not fall within a category eligible for a fee waiver. Requestor is not filing a form eligible for a fee waiver.
Income is above 125 percent of the FPG	Income listed on the form or in the documentation is above the 125 percent FPG threshold.
Unable to determine household income	Identification of household members <sup>70</sup> on the form, but the requestor does not provide sufficient statements or documentation of the household member's income. Identification of a spouse <sup>71</sup> on the form, but the requestor does not provide sufficient statements or documentation of income or additional support. The requestor's filing status in the tax return transcript (for example, married filing jointly, single, head of household) is inconsistent with the marital status declared on the fee waiver request, the immigration benefit forms, or support documents, and the requestor does not provide an explanation or evidence regarding the inconsistency. The requestor's tax return transcript indicates that he or she may be claimed by another person, but the requestor does not provide income information for the tax filer.

<sup>70</sup> Applicants for any immigration benefit associated with or based on a pending or approved petition or application for VAWA benefits or T or U nonimmigrant status do not need to list as a member of their household or provide the income of any person who is or was their abuser, human trafficker, or perpetrator or is or was a member of the abuser, human trafficker, or perpetrator's household. For more information, see Section C, Gross Income At or Below 125 Percent of Federal Poverty Guidelines, Subsection 2, Documentation [[1 USCIS-PM B.4\(C\)\(2\)](#)].

<sup>71</sup> Applicants for any immigration benefit associated with or based on a pending or approved petition or application for VAWA benefits or T or U nonimmigrant status do not need to list their spouse as a household member or provide their spouse's income.

### Reasons for Rejecting Fee Waiver Request

Reason	Explanation
Lack of income documentation <sup>72</sup>	<p>Lack of documentation of income and additional income or financial support for the applicant and each household member identified in the fee waiver request or of the person providing additional income, as appropriate.</p> <p>Lack of tax return transcripts or W-2s.</p> <p>Providing pay stubs without a statement from the IRS indicating that no transcripts or W-2s are available.</p>

There is no appeal of a rejection of a fee waiver request. Requestors may, however, file another fee waiver request with the required documentation to establish eligibility. An applicant may also refile the benefit request with the proper fees for USCIS to process the request.

**Chapter 5. Fee Exemptions** [New chapter shown in its entirety. Existing Chapters 5 and 6 will be redesignated as Chapters 6 and 7, respectively. This new chapter will contain a new appendix, shown at the end of this attachment.]

Aside from fee exemptions specifically listed in regulations, the USCIS Director may provide an exemption for any fee required.<sup>73</sup> The USCIS Director may only delegate this discretionary authority to the USCIS Deputy Director. The Director must determine that such action would be in the public interest, the action is consistent with the applicable law, and the exemption is related to one of the following:

- Asylees;
- Refugees;
- National security;

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<sup>72</sup> Generally, applicants for any immigration benefit associated with or based on a pending or approved petition or application for VAWA benefits or T or U nonimmigrant status are not rejected for a lack of documentation if the applicant has described his or her inability to provide the required documentation in sufficient detail and provided any other available documentation. In addition, USCIS does not require SIJs to provide proof of income but does require other documentation for a fee waiver request. See Section C, Gross Income At or Below 125 Percent of Federal Poverty Guidelines, Subsection 2, Documentation [[1 USCIS-PM B.4\(C\)\(2\)](#)].

<sup>73</sup> See [8 CFR 106.3\(e\)](#).

- Emergencies or major disasters declared in accordance with [44 CFR 206, subpart B](#);
- An agreement between the U.S. government and another nation or nations; or
- USCIS error.

Fee exemptions are distinct from fee waivers in that exemptions apply categorically. An alien may not individually request a fee exemption, as they would a fee waiver.

A request for a USCIS Director's fee exemption must be submitted to the Office of the Director for clearance.

USCIS Policy Manual, Volume 2: Nonimmigrants  
[Part A – Nonimmigrant Policies and Procedures](#)

## Chapter 4. Extension of Stay and Change of Status

### A. Nonimmigrants Seeking Extension of Stay or Change of Status

Generally, certain nonimmigrants present in the United States \* \* \*

Also, certain nonimmigrants present in the United States \* \* \*

An application for an extension of stay (EOS) or change of status (COS) is generally filed on a Petition for Nonimmigrant Worker ([Form I-129](#)) or Application to Extend/Change Nonimmigrant Status ([Form I-539](#)),<sup>74</sup> depending upon the nonimmigrant classification the applicant seeks to extend or change.<sup>75</sup> The Form I-129 variants on which a petitioner may file a request for EOS or COS include: Form I-129E&TN, Form I-129H1, Form I-129H2A, Form I-129H2B, Form I-129L,<sup>76</sup> Form I-129MISC, and Form I-129O.<sup>77</sup> Supplemental Information for Application to Extend/Change Nonimmigrant Status ([Form I-539A](#)) or Petition for a CNMI-Only Nonimmigrant Transitional Worker ([Form I-129CW](#)) may also be filed where applicable.

USCIS Policy Manual, Volume 2: Nonimmigrants  
[Part J – Trainees \(H-3\)](#)

## Chapter 3. Trainee Program Requirements

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<sup>74</sup> See [8 CFR 214.1\(c\)](#). The application should be filed in accordance with the form instructions.

<sup>75</sup> See [Appendix: Summary of Nonimmigrant Categories Subject to Public Benefits Condition](#) for a full list. Form instructions provide detailed information regarding who may file each form.

<sup>76</sup> For a beneficiary of a blanket L petition seeking either change of status or extension of stay, the petitioner must file Form I-129S, Form I-129L, and a copy of the previously approved I-129S.

<sup>77</sup> As of October 2, 2020. Before that date, petitioners filed Form I-129 and relevant supplements.

## D. Filing

The petitioner files the H-3 petition on the Petition for Nonimmigrant Worker: H-3, P, Q or R Classifications (Form I-129MISC). Up to 25 trainees may be requested on a single petition if the trainees will be receiving the same training for the same period of time and in the same location.<sup>78</sup>

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USCIS Policy Manual, Volume 7: Adjustment of Status  
[Part A – Adjustment of Status Policies and Procedures](#)

## Chapter 3. Filing Instructions

\* \* \*

### B. Definition of Properly Filed<sup>79</sup>

\* \* \*

#### 2. Fees [Revised in its entirety]

An adjustment of status applicant must submit the proper fees for the application as specified in the form instructions, unless a fee waiver has been granted.<sup>80</sup> An applicant under the age of 14 years who is filing his or her adjustment application with a parent's application must also submit the proper fee in the full amount as specified in the form instructions.

Adjustment applicants who paid a filing fee for their Application for Asylum and for Withholding of Removal ([Form I-589](#)) and were subsequently granted asylum, pay a lower fee for the adjustment application.<sup>81</sup> Adjustment applicants filing based on their refugee status or as Afghanistan or Iraq nationals with special immigrant status are not required to pay any fees.<sup>82</sup>

#### 3. Signature Requirements

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<sup>78</sup> If petitioning for more than 25 trainees, USCIS requires an additional petition. See [8 CFR 214.2\(h\)\(2\)\(ii\)](#).

<sup>79</sup> See [8 CFR 103.2\(a\)\(1\)](#) (for location), [8 CFR 103.2\(a\)\(7\)\(i\)](#) (for filing fee and signature), and [8 CFR 245.2\(a\)\(2\)\(i\)](#) (for available visa).

<sup>80</sup> See [8 CFR 106.1](#). See [8 CFR 106.2](#). See [8 CFR 106.3\(a\)](#). See [8 CFR 103.7\(b\)](#). Applicants who file to adjust status in removal proceedings under the jurisdiction of an immigration judge (IJ) must pay a separate biometric fee. See [8 CFR 103.7\(a\)\(2\)](#). See Volume 1, General Policies and Procedures, Part B, Submission of Benefit Requests, Chapter 4, Fee Waivers, Section A, Filing of Fee Waiver Request [[1 USCIS-PM B.4\(A\)](#)].

<sup>81</sup> See [8 CFR 106.2\(a\)\(17\)\(ii\)](#).

<sup>82</sup> See [8 CFR 106.2\(a\)\(17\)\(iii\)](#).

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USCIS Policy Manual, Volume 7: Adjustment of Status  
[Part F – Special Immigrant-Based \(EB-4\) Adjustment](#)

## Chapter 7. Special Immigrant Juveniles

\* \* \*

### D. Documentation and Evidence

An applicant should submit the following documentation to adjust status as an SIJ:<sup>83</sup>

- Application to Register Permanent Residence or Adjust Status ([Form I-485](#)), with the correct fee or with a Request for Fee Waiver ([Form I-912](#)), if applicable.

\* \* \* \* \* [No other revisions to existing bulleted list items]

Aliens who have filed a petition for or been granted SIJ classification and who have been placed in out-of-home care under the supervision of a juvenile court or state child welfare agency are eligible for a fee waiver.<sup>84</sup> [New paragraph added below bulleted list]

### E. Adjudication

\* \* \*

USCIS Policy Manual, Volume 7: Adjustment of Status  
[Part M – Asylee Adjustment](#)

## Chapter 4. Documentation and Evidence

Officers should review \* \* \*

### A. Required Documentation and Evidence

- Application to Register Permanent Residence or Adjust Status ([Form I-485](#))

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<sup>83</sup> For information about limitations on additional evidence, see Volume 6, Immigrants, Part J, Special Immigrant Juveniles, Chapter 3, Documentation and Evidence, Section B, Limitations on Additional Evidence [[6 USCIS-PM J.3\(B\)](#)].

<sup>84</sup> See [8 CFR 106.3\(a\)\(2\)\(i\)](#). See [8 CFR 106.3\(f\)\(6\)](#). See Volume 1, General Policies and Procedures, Part B, Submission of Benefit Requests, Chapter 4, Fee Waivers, Section B, Eligible Categories of Requestors and Forms for Fee Waivers [[1 USCIS-PM B.4\(B\)](#)].

Each applicant must file a separate application with fee, regardless of whether the applicant is a principal or derivative asylee.<sup>85</sup> Principal asylees who paid a filing fee for their Application for Asylum and for Withholding of Removal ([Form I-589](#)) and were subsequently granted asylum pay a lower fee when filing the adjustment application.<sup>86</sup> The lower fee applies only to the first adjustment application filed by the principal asylee. Derivative asylees must pay the full adjustment application fee.

The officer must check the Form I-485 \* \* \*

If the applicant lists a country in their address \* \* \*

- Proof of asylum status \* \* \*

\* \* \* \* \*

USCIS Policy Manual, Volume 11: Travel and Identity Documents  
[Part A – Secure Identity Documents Policies and Procedures](#)

## Chapter 2. USCIS-Issued Secure Identity Documents

\* \* \*

### B. Delivery of Secure Identity Documents [Shown in its entirety, with revisions]

USCIS mails secure identity documents through the [U.S. Postal Service](#) (USPS) to the address provided on a benefit request, unless the requestor requested that USCIS send any secure identity document to the U.S. business address of the attorney of record or accredited representative.<sup>87</sup>

In general, USCIS only sends secure identity documents to U.S. addresses. The requestor may, however, request that any secure identity document be sent to a designated military or diplomatic address for pickup in a foreign country, if permitted.<sup>88</sup> For example, certain travel documents (such as reentry permits and refugee travel documents) may be sent to a U.S. embassy or consulate or USCIS international office for the requestor to pick up, if this request is made when the requestor files the benefit application.<sup>89</sup>

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<sup>85</sup> See [8 CFR 106.2\(a\)\(17\)](#).

<sup>86</sup> See [8 CFR 106.2\(a\)\(17\)\(ii\)](#).

<sup>87</sup> See [8 CFR 103.2\(b\)\(19\)\(iii\)](#). USCIS sends secure identity document(s) to the benefit requestor unless he or she requests, in accordance with the form instructions, that USCIS mail the secure identity document(s) to a designated agent or the attorney or legal representative of record.

<sup>88</sup> For more information regarding mailing secure identity documents to locations outside the United States, see the [Travel Documents](#) and [Emergency Travel](#) webpages.

<sup>89</sup> The requestor may not request to pick up an advance parole document from an U.S. embassy or consulate or USCIS international office if the requestor applies for the document while in the United States. In general, if a

USCIS may use USPS's Signature Confirmation Restricted Delivery (SCRD) service for mailing secure identity documents such as permanent resident cards, employment authorization documentation, and travel documents to approved applicants (or their designated representative). USCIS may use SCRD for mailing any secure identity documents in the future at its discretion (for example, naturalization and citizenship certificates).

### Chapter 3. Reissuance of Secure Identity Documents

#### A. General [Shown in its entirety, with revisions]

Benefit requestors may file to renew their USCIS-issued secure identity documents that have expired or replace ones that have been lost, stolen, mutilated, or destroyed, or that contain an error.

The following table provides general information on how to request that USCIS reissue certain secure identity documents.

#### How to Request Replacement or Renewal of USCIS-Issued Secure Identity Documents

Secure Identity Document	How to Request Replacement or Renewal
Permanent Resident Card (PRC)	<ul style="list-style-type: none"><li>Complete and properly file an Application to Replace Permanent Resident Card (<a href="#">Form I-90</a>) with USCIS, with appropriate fees, in accordance with the Form I-90 instructions.<sup>90</sup></li><li>An LPR who is temporarily outside the United States for less than 1 year and who is not in possession of a valid PRC (for example, it was lost, stolen, or destroyed) may properly file an Application for Travel Document (Carrier Documentation) (<a href="#">Form I-131A</a>) to request documentation to</li></ul>

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requestor applies for advance parole while in the United States, and departs the United States before the advance parole document is issued, the requestor may be found inadmissible to the United States upon return, or even if admitted, may be found to have abandoned his or her application.

<sup>90</sup> See [8 CFR 264.5](#). See [8 CFR 106.2\(a\)\(1\)](#). There are certain conditions when USCIS may issue an Alien Documentation, Identification and Telecommunications (ADIT) stamp in place of a new Permanent Resident Card (PRC). One such condition may be applying for naturalization at least 6 months before the expiration of the PRC. Lawful permanent residents in this circumstance may contact the USCIS Contact Center for more information on how to obtain an ADIT stamp instead of filing Form I-90.

### How to Request Replacement or Renewal of USCIS-Issued Secure Identity Documents

Secure Identity Document	How to Request Replacement or Renewal
	demonstrate to an airline or other transportation carrier that he or she is authorized to travel to the United States. <sup>91</sup>
Employment Authorization Document (EAD)	<ul style="list-style-type: none"> <li>• If inside the United States, complete and properly file an Application for Employment Authorization (<a href="#">Form I-765</a>) with USCIS, with appropriate fees (if required).<sup>92</sup></li> <li>• There is no process to seek a replacement EAD, including a combo card (employment and travel authorization documented on a single card), outside the United States.<sup>93</sup></li> </ul>
Reentry permit	<ul style="list-style-type: none"> <li>• If inside the United States, complete and properly file an Application for Travel Document (<a href="#">Form I-131</a>) with USCIS, with appropriate fees (if required).</li> <li>• An LPR who is temporarily outside the United States for less than 2 years and who had a valid reentry permit that was lost, stolen, or destroyed may properly file an Application for Travel Document (Carrier Documentation) (<a href="#">Form I-131A</a>) to request documentation to demonstrate to an airline or other transportation carrier that he or she is authorized to travel to the United States.<sup>94</sup></li> </ul>
Advance parole document	<ul style="list-style-type: none"> <li>• If inside the United States, complete and properly file an Application for Travel Document (<a href="#">Form I-131</a>) with USCIS, with</li> </ul>

<sup>91</sup> The boarding foil does not replace the PRC. LPRs must still complete and properly file Form I-90 to obtain a replacement PRC.

<sup>92</sup> For more information on when a new Form I-765 and fee is required, see the [Employment Authorization Document](#) webpage.

<sup>93</sup> See [8 CFR 106.2\(a\)\(8\)](#). The requestor may apply for an Application for Travel Document (Carrier Documentation) ([Form I-131A](#)) to request documentation to demonstrate to an airline or other transportation carrier that he or she is authorized to return to the United States. The boarding foil does not replace the advance parole document or EAD, and upon reentry into the United States, the requestor must complete and properly file a Form I-131 and a Form I-765 to obtain new documents.

<sup>94</sup> The boarding foil does not replace the reentry permit. LPRs must complete and properly file Form I-131 upon reentry into the United States to obtain a replacement reentry permit.



### How to Request Replacement or Renewal of USCIS-Issued Secure Identity Documents

Secure Identity Document	How to Request Replacement or Renewal
	<p>appropriate fees (if required).<sup>95</sup></p> <ul style="list-style-type: none"><li>• If a valid, unexpired advance parole document or combo card (employment and travel authorization documented on a single card)<sup>96</sup> was lost, stolen, or destroyed while outside the United States, the requestor may properly file an Application for Travel Document (Carrier Documentation) (<a href="#">Form I-131A</a>) to request documentation to demonstrate to an airline or other transportation carrier that he or she is authorized to travel and return to the United States.<sup>97</sup></li></ul>
Refugee travel document	<ul style="list-style-type: none"><li>• Whether inside or outside the United States, complete and properly file an Application for Travel Document (<a href="#">Form I-131</a>) with USCIS, with appropriate fees (if required).</li></ul>
Certificate of Citizenship or Certificate of Naturalization	<ul style="list-style-type: none"><li>• Whether inside or outside the United States, complete and properly file an Application for Replacement Naturalization/Citizenship Document (<a href="#">Form N-565</a>).<sup>98</sup></li></ul>

<sup>95</sup> In general, if a requestor applies for advance parole while in the United States, and departs the United States before the advance parole document is issued, the requestor may be found inadmissible to the United States upon return, or even if admitted, may be found to have abandoned his or her application.

<sup>96</sup> The advance parole document or combo card must be valid and unexpired prior to the date of return to the United States.

<sup>97</sup> The boarding foil does not replace the advance parole document or combo card. Requestors must complete and properly file a [Form I-131](#) after returning to the United States. They must concurrently file a [Form I-765](#) to request a combo card.

<sup>98</sup> For more information, see Volume 12, Citizenship and Naturalization, Part K, Certificates of Citizenship and Naturalization, Chapter 4, Replacement of Certificate of Citizenship or Naturalization [[12 USCIS-PM K.4](#)].

**Appendix: Filing Fee Exemptions**

**Filing Fee Exemptions<sup>99</sup>**

<b>Form<sup>100</sup></b>	<b>Eligibility Category</b>	<b>Reason for Filing (if applicable)</b>	<b>Final Rule Regulation section</b>	<b>Statutory or Regulatory Authority, if applicable</b>
Application to Replace Permanent Resident Card ( <a href="#">I-90</a> )	Applicant who has reached his or her 14th birthday and the existing card expires after his or her 16th birthday	N/A	<a href="#">8 CFR 106.2(a)(1)</a>	<a href="#">8 CFR 264.5(a)</a>
Application for Replacement/Initial Nonimmigrant Arrival-Departure Document ( <a href="#">Form I-102</a> )	For nonimmigrant member of the U.S. armed forces	Initial Filing	<a href="#">8 CFR 106.2(a)(2)(i)</a>	<a href="#">8 CFR 106.3(e)(5)</a> - Agreement between U.S. government and other nations
	For a nonimmigrant member of the North Atlantic Treaty Organization (NATO) armed forces or civil component	Initial Filing	<a href="#">8 CFR 106.2(a)(ii)</a>	<a href="#">8 CFR 106.3(e)(5)</a> - Agreement between U.S. government and other nations

<sup>99</sup> In general, USCIS exempts a fee for an application or request to replace a document based on USCIS error.

<sup>100</sup> Some supplemental forms may not have fees as the fees are part of the main form, including Supplemental Information for Spouse Beneficiary ([Form I-130A](#)), Confirmation of Bona Fide Job Offer or Request for Job Portability Under INA Section 204(j) ([Form I-485 Supplement J](#)), and Supplemental Information for Application to Extend/Change Nonimmigrant Status ([Form I-539A](#)).

Filing Fee Exemptions<sup>99</sup>

Form <sup>100</sup>	Eligibility Category	Reason for Filing (if applicable)	Final Rule Regulation section	Statutory or Regulatory Authority, if applicable
	For nonimmigrant member of the Partnership for Peace military program under the Status of Forces Agreement	Initial Filing	<a href="#">8 CFR 106.2(a)(ii)</a>	<a href="#">8 CFR 106.3(e)(5)</a> - Agreement between U.S. government and other nations
Petition for a CNMI-Only Nonimmigrant Transitional Worker ( <a href="#">Form I-129CW</a> )	For filing Semiannual Report for CW-1 Employers ( <a href="#">Form I-129CWR</a> )	N/A	<a href="#">8 CFR 106.2(a)(4)(B)(iii)</a>	<a href="#">8 CFR 106.3(e)(5)</a> - Agreement between U.S. government and other nations
Petition for Alien Fiancé(e) ( <a href="#">Form I-129F</a> )	For a K-3 spouse as designated in <a href="#">8 CFR 214.1(a)(2)</a> who is the beneficiary of an immigrant petition filed by a U.S. citizen on a Petition for Alien Relative ( <a href="#">Form I-130</a> )	N/A	<a href="#">8 CFR 106.2(a)(5)(ii)</a>	Previous regulations at 8 CFR 103.7(b)(1)(i)(K)
Application for Travel Document ( <a href="#">Form I-131</a> )	Applicants who filed USCIS Form I-485 on or after July 30, 2007, and before October 2, 2020 and paid the Form I-485 fee	Any application	<a href="#">8 CFR 106.2(a)(7)(iv)</a>	Required by regulations in effect at the time the request was filed
	Applicants for special immigrant status based on an approved Form I-360 as an Afghan or Iraqi	Any application	<a href="#">8 CFR 106.2(a)(7)(iv)</a>	National Defense Authorization Act for Fiscal Year 2008, <a href="#">Pub. L.</a>

Filing Fee Exemptions<sup>99</sup>

Form <sup>100</sup>	Eligibility Category	Reason for Filing (if applicable)	Final Rule Regulation section	Statutory or Regulatory Authority, if applicable
	Interpreter, or Iraqi National employed by or on behalf of the U.S. Government or Afghan National employed by the U.S. Government or the International Security Assistance Forces (ISAF)			<a href="#">110-181</a> (January 28, 2008) and Omnibus Appropriations Act of 2009, <a href="#">Pub. L. 111-8</a> (March 11, 2009)
Notice of Appeal or Motion ( <a href="#">Form I-290B</a> )	For an appeal or motion for denial of a petition for a special immigrant visa from an individual for a special immigrant status as an Afghan or Iraqi Interpreter, or Iraqi or Afghan National employed by the U.S. Government or the ISAF.	Any application	<a href="#">8 CFR 106.2(a)(14)(ii)</a>	National Defense Authorization Act for Fiscal Year 2008, <a href="#">Pub. L. 110-181</a> (January 28, 2008) and Omnibus Appropriations Act of 2009, <a href="#">Pub. L. 111-8</a> (March 11, 2009)
Petition for Amerasian, Widow(er), or Special Immigrant ( <a href="#">Form I-360</a> )	<ul style="list-style-type: none"> <li>A petition seeking classification as an Amerasian;</li> <li>A self-petition for immigrant classification as an abused spouse or child of a U.S. citizen or lawful permanent resident or an abused parent</li> </ul>	Any application	<a href="#">8 CFR 106.2(a)(16)</a>	Policy based on <a href="#">INA 245(l)(7)</a>

**Filing Fee Exemptions<sup>99</sup>**

Form <sup>100</sup>	Eligibility Category	Reason for Filing (if applicable)	Final Rule Regulation section	Statutory or Regulatory Authority, if applicable
	of a U.S. citizen son or daughter; or <ul style="list-style-type: none"> <li>• A petition for special immigrant juvenile classification; or</li> <li>• A petition seeking special immigrant visa or status as an Afghan or Iraqi Interpreter, or Iraqi National employed by or on behalf of the U.S. Government or Afghan National employed by the U.S. Government or the ISAF.</li> </ul>			
Application to Register Permanent Residence or Adjust Status ( <a href="#">Form I-485</a> )	Applicants for Special Immigrant Status based on an approved Form I-360 as an Afghan or Iraqi Interpreter, or Iraqi National employed by or on behalf of the U.S. Government or Afghan National employed by the U.S. Government or the ISAF	Any application	<a href="#">8 CFR 106.2(a)(17)(iii)</a>	National Defense Authorization Act for Fiscal Year 2008, <a href="#">Pub. L. 110-181</a> (January 28, 2008) and Omnibus Appropriations Act of 2009, <a href="#">Pub. L. 111-8</a> (March 11, 2009)
	Applicants filing as refugees under <a href="#">INA 209(a)</a>	Any application		Previous 8 CFR 103.7(b)(1)(i)(U)(3)

**Filing Fee Exemptions<sup>99</sup>**

<b>Form<sup>100</sup></b>	<b>Eligibility Category</b>	<b>Reason for Filing (if applicable)</b>	<b>Final Rule Regulation section</b>	<b>Statutory or Regulatory Authority, if applicable</b>
Adjustment of Status Under Section 245(i) ( <a href="#">Form I-485 Supplement A</a> )	When the applicant is an unmarried child under 17 years of age, when the applicant is the spouse, or the unmarried child under 21 years of age of a legalized alien and who is qualified for and has properly filed an application for voluntary departure under the family unity program	N/A	<a href="#">8 CFR 106.2(a)(17)(iv)</a>	<a href="#">INA 245(i)</a>
Application to Extend/Change Nonimmigrant Status ( <a href="#">Form I-539</a> )	Nonimmigrant A, G, and NATO <sup>101</sup>		<a href="#">8 CFR 106.2(a)(19)</a>	<a href="#">8 CFR 106.3(e)(5)</a> - Agreement between the U.S. government and other nations
Application for Asylum and for Withholding of Removal ( <a href="#">Form I-589</a> )	Applications filed by unaccompanied alien children who are in removal proceedings		<a href="#">8 CFR 106.2(a)(20)</a>	William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, <a href="#">Pub. L. 110-457</a> (December 23, 2008).

<sup>101</sup> United Nations (UN) observer mission representatives performing official UN business (and their immediate family members) are also exempt from the fee. See [8 CFR 106.3\(e\)\(5\)](#).

**Filing Fee Exemptions<sup>99</sup>**

<b>Form<sup>100</sup></b>	<b>Eligibility Category</b>	<b>Reason for Filing (if applicable)</b>	<b>Final Rule Regulation section</b>	<b>Statutory or Regulatory Authority, if applicable</b>
Petition to Classify Orphan as an Immediate Relative ( <a href="#">Form I-600</a> ) <sup>102</sup>	First Form I-600 filed for a child on the basis of an approved Application for Advance Processing of an Orphan Petition ( <a href="#">Form I-600A</a> ), during the Form I-600A approval or extended approval period		<a href="#">8 CFR 106.2(a)(21)(i)</a>	Previous 8 CFR 103.7(b)(1)(i)(Y), (Z)
Request for Action on Approved Form I-600A/I-600 (Form I-600A/I-600 Supplement 3)	Filed in order to obtain a first extension of the approval of the Form I-600A or to obtain a first time change of non-Hague Adoption Convention country during the Form I-600A approval period		<a href="#">8 CFR 106.2(a)(23)(i)(A)</a>	Previous 8 CFR 103.7(b)(1)(i)(Y), (Z)
Application for Employment Authorization ( <a href="#">Form I-765</a> )	Refugee	Initial employment authorization document (EAD)	<a href="#">8 CFR 106.2(a)(32)(ii)(B)</a>	Policy
	Paroled as refugee	Initial EAD	<a href="#">8 CFR 106.2(a)(32)(ii)(B)</a>	Policy

<sup>102</sup> If more than one Form I-600 is filed during the Form I-600A approval period on behalf of beneficiary birth siblings, no additional fee is required. See [8 CFR 106.2\(a\)\(21\)\(i\)](#).

**Filing Fee Exemptions<sup>99</sup>**

<b>Form<sup>100</sup></b>	<b>Eligibility Category</b>	<b>Reason for Filing (if applicable)</b>	<b>Final Rule Regulation section</b>	<b>Statutory or Regulatory Authority, if applicable</b>
	Asylee	Initial EAD	<a href="#">8 CFR 106.2(a)(32)(ii)(C)</a>	Policy
	N-8 or N-9 nonimmigrant	Initial EAD	<a href="#">8 CFR 106.2(a)(32)(ii)(G)</a>	<a href="#">8 CFR 106.3(e)(5)</a> - Agreement between the U.S. government and another nation or nations
	Victim of severe form of trafficking (T-1 nonimmigrant)	Initial EAD	<a href="#">8 CFR 106.2(a)(32)(ii)(D)</a>	Policy based on <a href="#">INA 245(l)(7)</a>
	Victim of qualifying criminal activity (U-1 nonimmigrant)	Initial EAD	<a href="#">8 CFR 106.2(a)(32)(ii)(E)</a>	Policy based on <a href="#">INA 245(l)(7)</a>
	Dependent of certain government and international organizations, or NATO personnel	Initial EAD	<a href="#">8 CFR 106.2(a)(32)(ii)(F)</a>	Based on <a href="#">8 CFR 106.3(e)(5)</a> - An agreement between the U.S. government and another nation or nations
		Renewal EAD Replacement EAD	<a href="#">8 CFR 106.2(a)(32)(iv)(C)</a>	
	Taiwanese dependent of Taipei Economic and Cultural Representative Office TECRO E-1 employees	Initial EAD Renewal EAD Replacement EAD	N/A	<a href="#">8 CFR 106.3(e)(5)</a> - An agreement between the U.S. government and another nation or nations



**Filing Fee Exemptions<sup>99</sup>**

<b>Form<sup>100</sup></b>	<b>Eligibility Category</b>	<b>Reason for Filing (if applicable)</b>	<b>Final Rule Regulation section</b>	<b>Statutory or Regulatory Authority, if applicable</b>
	VAWA self-petitioners as defined in <a href="#">INA 101(a)(51)(D)</a> (applicant adjusting under the Cuban Adjustment Act for battered spouses and children (principal) who has a pending Form I-485)	Initial EAD	<a href="#">8 CFR 106.2(a)(32)(ii)(I)</a>	Policy based on <a href="#">INA 245(l)(7)</a>
	VAWA self-petitioners as defined in <a href="#">INA 101(a)(51)(E)</a> (applicant adjusting based on dependent status under the Haitian Refugee Immigrant Fairness Act for battered spouses and children (principal) who has a pending Form I-485)	Initial EAD	<a href="#">8 CFR 106.2(a)(32)(ii)(I)</a>	Policy based on <a href="#">INA 245(l)(7)</a>
	VAWA self-petitioners as defined in <a href="#">INA 101(a)(51)(F)</a> (applicant adjusting under the Nicaraguan Adjustment and Central American Relief Act for battered spouses and children (principal) who has a pending Form I-485)	Initial EAD	<a href="#">8 CFR 106.2(a)(32)(ii)(I)</a>	Policy based on <a href="#">INA 245(l)(7)</a>

**Filing Fee Exemptions<sup>99</sup>**

<b>Form<sup>100</sup></b>	<b>Eligibility Category</b>	<b>Reason for Filing (if applicable)</b>	<b>Final Rule Regulation section</b>	<b>Statutory or Regulatory Authority, if applicable</b>
	Applicant for special immigrant classification based on an approved Form I-360 as an Afghan or Iraqi translator or interpreter, Iraqi national employed by or on behalf of the U.S. Government, or Afghan national employed by or on behalf of the U.S. government or employed by the ISAF	Initial EAD Renewal EAD Replacement EAD	<a href="#">8 CFR 106.2(a)(32)(ii)(J)</a>	National Defense Authorization Act for Fiscal Year 2008, <a href="#">Pub. L. 110-181</a> (January 28, 2008) and Omnibus Appropriations Act of 2009, <a href="#">Pub. L. 111-8</a> (March 11, 2009)
	An applicant who filed Form I-485 on or after July 30, 2007 and before October 2, 2020 and paid the Form I-485 filing fee	Initial EAD Renewal EAD Replacement EAD	<a href="#">8 CFR 106.2(a)(32)(ii)(A)</a>	Required by regulations in effect when form was filed
	Principal VAWA self-petitioners who have approved petitions under <a href="#">INA 204(a)</a>	Initial EAD	<a href="#">8 CFR 106.2(a)(32)(ii)(H)</a>	Policy based on <a href="#">INA 245(l)(7)</a>
	Any current adjustment of status or registry applicant who filed	Initial EAD Renewal EAD	<a href="#">8 CFR 106.2(a)(32)(iv)(A)</a>	Required by regulations in effect when form was filed

**Filing Fee Exemptions<sup>99</sup>**

<b>Form<sup>100</sup></b>	<b>Eligibility Category</b>	<b>Reason for Filing (if applicable)</b>	<b>Final Rule Regulation section</b>	<b>Statutory or Regulatory Authority, if applicable</b>
	for adjustment of status on or after July 30, 2007, and before October 2, 2020 and paid the appropriate Form I-485 filing fee	Replacement EAD		
	Request for replacement employment authorization document based on USCIS error	Replacement EAD	<a href="#">8 CFR 106.2(a)(32)(iii)</a>	<a href="#">8 CFR 106.3(e)(6)</a>
Application for Employment Authorization for Abused Nonimmigrant Spouse ( <a href="#">Form I-765V</a> )	Any applicant	N/A	<a href="#">8 CFR 106.2(a)(32)(v)</a>	Policy based on <a href="#">INA 245(l)(7)</a>
Petition to Classify Convention Adoptee as an Immediate Relative ( <a href="#">Form I-800</a> ) <sup>103</sup>	The first Form I-800 filed for a child on the basis of an approved Application for Determination of Suitability to Adopt a Child from a Convention Country ( <a href="#">Form I-800A</a> ), during the Form I-800A approval period	Initial Filing	<a href="#">8 CFR 106.2(a)(33)(i)</a>	<a href="#">8 CFR 103.7(b)(1)(i)(JJ), (LL)</a>

<sup>103</sup> No additional fee for a Form I-800 is required when filing for children who are birth siblings.

**Filing Fee Exemptions<sup>99</sup>**

<b>Form<sup>100</sup></b>	<b>Eligibility Category</b>	<b>Reason for Filing (if applicable)</b>	<b>Final Rule Regulation section</b>	<b>Statutory or Regulatory Authority, if applicable</b>
Form I-800A Supplement 3, Request for Action on Approved Form I-800A ( <a href="#">Form I-800A Supplement 3</a> )	Filed in order to obtain a first extension of the approval of the Form I-800A or to obtain a first time change of Hague Adoption Convention country during the Form I-800A approval period	N/A	<a href="#">8 CFR 106.2(a)(35)(i)(A)</a>	<a href="#">8 CFR 103.7(b)(1)(i)(JJ)(1)</a>
Application for Temporary Protected Status ( <a href="#">Form I-821</a> ) <sup>104</sup>	Any applicant	Re-registration	<a href="#">8 CFR 106.2(a)</a>	<a href="#">INA 245(l)(7)</a>
Consideration of Deferred Action for Childhood Arrivals ( <a href="#">Form I-821D</a> ) <sup>105</sup>	Any requestor		<a href="#">8 CFR 106.2(a)(38)</a>	Policy
Application for T Nonimmigrant Status ( <a href="#">Form I-914</a> ); Application for Family Member of T-1	Any applicant	N/A	<a href="#">8 CFR 106.2(a)(45)</a>	Policy based on <a href="#">INA 245(l)(7)</a>

<sup>104</sup> Re-registration applicants must still pay the biometric services fee.

<sup>105</sup> For information on the related Form I-765 see [Guidance for an Exemption from the Fee for a Form I-765 filed with a Request for Consideration of Deferred Action for Childhood Arrivals](#).

**Filing Fee Exemptions<sup>99</sup>**

<b>Form<sup>100</sup></b>	<b>Eligibility Category</b>	<b>Reason for Filing (if applicable)</b>	<b>Final Rule Regulation section</b>	<b>Statutory or Regulatory Authority, if applicable</b>
Recipient ( <a href="#">Form I-914, Supplement A</a> ); Declaration of Law Enforcement Officer for Victim of Trafficking in Persons ( <a href="#">Form I-914, Supplement B</a> )				
Petition for U Nonimmigrant Status ( <a href="#">Form I-918</a> ); Petition for Qualifying Family Member of U-1 Recipient ( <a href="#">Form I-918, Supplement A</a> ) U Nonimmigrant Status Certification ( <a href="#">Form I-918, Supplement B</a> )	Any applicant	N/A	<a href="#">8 CFR 106.2(a)(46)</a>	Policy based on <a href="#">INA 245(l)(7)</a>
Request for a Hearing on a Decision in Naturalization Proceedings (Under	An applicant who filed a naturalization application under INA 328 or INA 329 with respect to military service and whose application has been denied	N/A	<a href="#">8 CFR 106.2(b)(2)</a>	<a href="#">INA 328(b)(4)</a> and <a href="#">INA 329(b)(4)</a>

**Filing Fee Exemptions<sup>99</sup>**

<b>Form<sup>100</sup></b>	<b>Eligibility Category</b>	<b>Reason for Filing (if applicable)</b>	<b>Final Rule Regulation section</b>	<b>Statutory or Regulatory Authority, if applicable</b>
Section 336 of the INA) ( <a href="#">Form N-336</a> )				
Application for Naturalization ( <a href="#">Form N-400</a> )	An applicant who meets the requirements of INA 328 or INA 329 with respect to military service	N/A	<a href="#">8 CFR 106.2(b)(3)</a>	<a href="#">INA 328(b)(4)</a> and <a href="#">INA 329(b)(4)</a>
Application for Replacement Naturalization/ Citizenship Document ( <a href="#">Form N-565</a> )	Application is submitted under <a href="#">8 CFR 338.5(a)</a> or <a href="#">8 CFR 343a.1</a> to request correction of a certificate that contains an error	N/A	<a href="#">8 CFR 106.2(b)(5)(ii)</a>	Policy based on <a href="#">8 CFR 106.3(e)(6)</a>
Application for Certificate of Citizenship ( <a href="#">Form N-600</a> )	Member or veteran of any branch of the U.S. armed forces	N/A	<a href="#">8 CFR 106.2(b)(6)</a>	Based on National Defense Authorization provisions
Claimant under <a href="#">INA 289</a> – American Indian born in Canada	Claimant	N/A	<a href="#">8 CFR 106.2(c)(9)</a>	<a href="#">INA 289</a>