

2. Dishonored payments. DHS has also clarified the regulations governing USCIS actions when a check used to pay the required fee is dishonored by the remitter's bank. Under this final rule, USCIS will submit all initially rejected payments to the applicant's bank a second time for it to clear or be rejected. 8 CFR 103.2(a)(7)(ii)(D). If the check is rejected again following re-submission by USCIS, it will reject the case for fee non-payment. If the case has been approved, USCIS will send a notice of intent to revoke the approval. The section later in this preamble entitled, "Dishonored Payments," provides more details about this change.

3. Application for Advance Permission to Enter as a Nonimmigrant, Form I-192, and Application for Waiver for Passport and/or Visa, Form I-193. DHS has made adjustments to the proposed fees in the final rule for the Application for Advance Permission to Enter as a Nonimmigrant, Form I-192, and the Application for Waiver for Passport and/or Visa, Form I-193. For the reasons outlined in section IV.B.2.p. of this preamble, the fees that will be charged for Forms I-192 and I-193 will remain at \$585, rather than the proposed fee of \$930 when such forms are submitted to and processed by the U.S. Customs and Border Protection

(CBP). See new 8 CFR 103.7(b)(1)(i)(P)-(Q).

**B. Corrections**

DHS inadvertently listed Application by Refugee for Waiver of Grounds of Excludability, Form I-602, in the NPRM preamble and the supporting documentation. DHS listed Form I-602 in the NPRM as part of Waiver Forms in section IV, Fee Review Methodology, at 81 FR 26916 and tables 8 and 9 at 81 FR 26926-26927. USCIS referenced it on pages 24, 47, 49, and 50 of the accompanying supporting documentation. The docket of this final rule includes a corrected version of the supporting documentation without references to Form I-602. Form I-602 has no fee and DHS should not have included it in these lists or tables. The NPRM did not assume any fee-paying workload for Form I-602; therefore, removing it from the fee schedule does not affect other fees. DHS continues to not charge a fee for Form I-602.

DHS also inadvertently did not include provisions for what would occur if a benefit request was approved before USCIS became aware that the fee payment was dishonored by the remitter institution. See proposed 8 CFR 103.2(a)(7)(ii), 103.7(a)(2); 81 FR 26936-26937. Specifically, DHS proposed to remove the requirement that USCIS

provide notification to the requester whenever an instrument used to pay the filing fee is returned as not payable, with 14 days to cure the deficiency. However, DHS neglected to propose the necessary conforming change to 8 CFR 205.1(a)(2), which provides that the approval of a petition or self-petition made under INA section 204 is automatically revoked if the filing fee and associated service charge are not paid within 14 days of the notification to the remitter that his or her check or other financial instrument used to pay the filing fee has been returned as not payable. The latter provision must be revised to conform it to the proposed change described previously. That oversight has been corrected in this final rule. New 8 CFR 103.7(a)(2)(iii), 205.1(a). This change is discussed in more detail in the response to the public comments regarding dishonored payments.

**C. Summary of Final Fees**

The current USCIS fee schedule and the fees adopted in this final rule are summarized in Table 1. DHS bases the final fees on the FY 2016/2017 estimated cost baseline as outlined in the NPRM. The table excludes fees established and required by statute and those that DHS cannot adjust.

TABLE 1—NON-STATUTORY IEFA IMMIGRATION BENEFIT REQUEST FEES

Form No. <sup>5</sup>	Title	Current fee	Final fee
G-1041	Genealogy Index Search Request	\$20	\$65
G-1041A	Genealogy Records Request (Copy from Microfilm)	20	65
G-1041A	Genealogy Records Request (Copy from Textual Record)	35	65
I-90	Application to Replace Permanent Resident Card	365	455
I-102	Application for Replacement/Initial Nonimmigrant Arrival-Departure Document.	330	445
I-129/129CW	Petition for a Nonimmigrant Worker	325	460
I-129F	Petition for Alien Fiancé(e)	340	535
I-130	Petition for Alien Relative	420	535
I-131 <sup>6</sup> /I-131A <sup>7</sup>	Application for Travel Document	360	575
I-140	Immigrant Petition for Alien Worker	580	700
I-191	Application for Advance Permission to Return to Unrelinquished Domicile.	585	930
I-192	Application for Advance Permission to Enter as Nonimmigrant	585	<sup>8</sup> 585/930
I-193	Application for Waiver of Passport and/or Visa	585	585
I-212	Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal.	585	930
I-290B	Notice of Appeal or Motion	630	675
I-360	Petition for Amerasian Widow(er) or Special Immigrant	405	435
I-485	Application to Register Permanent Residence or Adjust Status	985	1,140
I-485	Application to Register Permanent Residence or Adjust Status (certain applicants under the age of 14 years).	635	750
I-526	Immigrant Petition by Alien Entrepreneur	1,500	3,675
I-539	Application to Extend/Change Nonimmigrant Status	290	370
I-600/600A	Petition to Classify Orphan as an Immediate Relative/Application for Advance Petition Processing of Orphan Petition.	720	775
I-800/800A	Petition to Classify Convention Adoptee as an Immediate Relative/Application for Determination of Suitability to Adopt a Child from a Convention Country.	720	775
I-601	Application for Waiver of Ground of Excludability	585	930
I-601A	Application for Provisional Unlawful Presence Waiver	585	630

TABLE 1—NON-STATUTORY IEFA IMMIGRATION BENEFIT REQUEST FEES—Continued

Form No. <sup>5</sup>	Title	Current fee	Final fee
I-612	Application for Waiver of the Foreign Residence Requirement (Under Section 212(e) of the INA, as Amended).	585	930
I-687	Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act.	1,130	1,130
I-690	Application for Waiver of Grounds of Inadmissibility	200	715
I-694	Notice of Appeal of Decision	755	890
I-698	Application to Adjust Status From Temporary to Permanent Resident (Under Section 245A of the INA).	1,020	1,670
I-751	Petition to Remove Conditions on Residence	505	595
I-765	Application for Employment Authorization	380	410
I-800A Supp. 3	Request for Action on Approved Form I-800A	360	385
I-817	Application for Family Unity Benefits	435	600
I-824	Application for Action on an Approved Application or Petition	405	465
I-829	Petition by Entrepreneur to Remove Conditions	3,750	3,750
I-910	Application for Civil Surgeon Designation	615	785
I-924 <sup>9</sup>	Application for Regional Center Designation Under the Immigrant Investor Program.	6,230	17,795
I-924A	Annual Certification of Regional Center	0	3,035
I-929	Petition for Qualifying Family Member of a U-1 Nonimmigrant	215	230
N-300	Application to File Declaration of Intention	250	270
N-336	Request for Hearing on a Decision in Naturalization Proceedings	650	700
N-400	Application for Naturalization	595	640
N-470	Application to Preserve Residence for Naturalization Purposes	330	355
N-565	Application for Replacement Naturalization/Citizenship Document	345	555
N-600/N-600K	Application for Certification of Citizenship/Application for Citizenship and Issuance of Certificate under Section 322.	<sup>10</sup> 600/550	1,170
	USCIS Immigrant Fee <sup>11</sup>	165	220
	Biometric Services Fee	85	85

<sup>5</sup> Form, when used in connection with a benefit or other request to be filed with DHS to request an immigration benefit, means a device for the collection of information in a standard format that may be submitted in a paper format or an electronic format as prescribed by USCIS on its official Internet Web site. The term "Form" followed by an immigration form number includes an approved electronic equivalent of such form as made available by USCIS on its official Internet Web site. See 8 CFR 1.2 and 299.1. Therefore, the word "form" is used in this final rule in both the specific and general sense.

<sup>6</sup> As described in the NPRM, the United States' obligations under the 1967 Protocol relating to the Status of Refugees (incorporating by reference Article 28 of the 1951 U.N. Convention relating to the Status of Refugees) guide the Application for Travel Document fees for a Refugee Travel Document. The USCIS ABC model does not calculate these fees. See 8 CFR 103.7(b)(1)(i)(M)(2) and (3).

<sup>7</sup> On August 31, OMB approved Form I-131A, Application for Travel Document (Carrier Documentation). The new form will be used by Lawful Permanent Residents (LPRs) who are temporarily overseas and have lost their Permanent Resident Card or Reentry Permit, to apply for a Travel Document. See <https://www.uscis.gov/i-131a>.

<sup>8</sup> The fee for Form I-192 will remain \$585 when filed with and processed by CBP.

<sup>9</sup> DHS removed the word "Pilot" from the form title. See new 8 CFR 103.7(b)(1)(i)(WW).

<sup>10</sup> The current fee for applications filed on behalf of a biological child is \$600. The fee for an adopted child is \$550. There is no fee for any application filed by a member or veteran of any branch of the U.S. Armed Forces.

<sup>11</sup> DHS changed the fee name to "USCIS Immigrant Fee." See new 8 CFR 103.7(b)(1)(i)(D).

#### IV. Public Comments on the Proposed Rule

DHS provided a 60-day comment period following publication of the NPRM; 436 comments were posted to *regulations.gov*. Although 475 comments were received on the docket, 38 were not posted and one was withdrawn. As noted in the proposed rule, DHS may withhold information provided in comments from public viewing if it determines that such information is offensive or may affect the privacy of an individual. 81 FR 26905.

##### A. General Comments

DHS received comments from a broad spectrum of individuals and organizations, including refugee and immigrant service and advocacy organizations, public policy groups, members of Congress, and private citizens. Some commenters wrote that they supported the fee changes while others were critical of them. Many commenters wrote that they were generally unsupportive of the weighted average increase; others commented on specific form types. Some commenters wrote about alternative methods to reduce costs and inefficiencies.

DHS also received several comments on subjects that are not related to the proposed fees and are outside the scope of the NPRM. With limited exception as explicitly stated below, DHS has not

separately summarized or responded to these comments.

##### B. Relative Amount of Fees

Most commenters stated opposition to the fee increases. Some commenters suggested that fee increases would reduce the number of people seeking immigration benefits. Some commenters stated that the proposed fees did not reflect the actual adjudicative workload of particular benefit types. Several commenters stated that proposed fees were too low, but the clear majority stated that the fees were too high.

Although DHS summarizes and responds to these concerns in more detail below, it emphasizes that, as an initial matter and as articulated in the NPRM, DHS needs to increase USCIS fees by a weighted average increase of 21 percent to offset growing costs and continue to provide an adequate level of service, as provided by section 286(m) of the INA, 8 U.S.C. 1356(m), which authorizes USCIS to "ensure recovery of the full costs of providing all such services, including the costs of similar services provided without charge." As reflected in this provision, some USCIS fees must exceed the cost of adjudicating the respective benefit types to cover those benefits provided without charge, such as refugee benefits, asylum benefits, and other fee-exempt, fee-waived or fee-reduced workloads. Furthermore, as explained in the NPRM,