



Laura dePaz Cabrera, Esq.

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### **2024 Cap-Subject H-1B Fee Schedule**

On December 9, 2019, USCIS announced its implementation of a new electronic H-1B registration system. For this system, employers seeking to file new cap-subject H-1B petitions will need to first electronically register each candidate for selection into the lottery. If the petition is selected, then we will be able to file the full application on behalf of the prospective employee. Accordingly, our fee breakdown is split into each stage of the process. The second stage will not be necessary until and unless the prospective application is selected for the lottery.

**Note:** Per Department of Labor Regulations, all H1B fees (except for premium processing and dependent/derivative fees) **must be paid by the petitioning employer who cannot seek reimbursement for these fees from the beneficiary. For additional information please see:**

<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/whdfs62H.pdf>

**Step 1:** Preparation / Registration – January/February (yearly)

Includes: Review/comments/revisions of proposed job description, specialty occupation analysis and breakdown, preliminary determination as to prevailing wage, wage level, evaluation of beneficiary eligibility, creation/updating of Employer Group account on MyUSCIS and assistance with employer registration with USCIS.

Legal Fee: \$1700 flat fee (per beneficiary) – due at the time of Agreement execution

USCIS Fee: \$215 registration fee (per beneficiary) – due to USCIS during registration

**Step 2:** LCA Submission / USCIS Submission

Includes: Preparation of Labor Conditions Application; preparation of all forms and required notices, public notice disclosure, attestations, assembly and submission of application to USCIS for adjudication.

Legal Fee: \$2500 flat fee (per beneficiary) (+\$400 for premium processing, if desired) – due at the time that application is selected by the lottery.

USCIS Fee: Base fee:

- \$730 if filing online – employers with 25 or more employees
- \$780 if paper filing – employers with 25 or more employees
- \$460 – employers with 24 or less employees and nonprofits

Asylum Program Fee (Required)

- \$600 – employers with 25 or more employees
- \$300 – employers with 24 or less employees
- \$0 – Nonprofits

Antifraud Fee (Required)

- \$500

ACWIA Fee (Required)

- \$1500 – employers with 25 or more employees
- \$750 – employers with 24 or less employees

Premium Processing Fee (Optional, if available)

- \$2,805

**Above USCIS fees due at the time that applications are submitted to USCIS**

Other Fees:

1. Derivative/Dependent Fees (Change and/or Extension of Status for dependent spouses/minor children – can be paid by Employer OR by the beneficiary). Typically, \$900 per derivative + filing fee.
2. H1B Extensions – for any employee that is already in valid H-1B status with Employer and wishes to extend their H1B validity period (and whom has not experienced a material changes in the terms of the employment), the registration process referenced above is not applicable. Extensions will be processed by USCIS in a single so steps 1 and 2, listed above, can be done simultaneously without the need for the registration period. The legal fee for H1B extensions is a flat fee of \$3300. All of the USICS fees for Step 2, above, apply to H1B extensions except for the anti-fraud fee of \$500. There is no registration fee.
3. Request for Evidence Fees

Our Request for Evidence (RFE) fees are also billed at flat fee but are tiered dependent on level of complexity and legal work required to respond. Our firm policy is to discuss RFEs with the clients as they are received and determine strategy and anticipated amount of additional work prior to incurring the additional fee.

Level	Required Effort / Difficulty in Responding	Anticipated Hours	Flat Fee
1 – Simple	Simple, short clarifications. 1-2 additional documents requested. Targeted and clear requests.	2-3	\$600
2 – Intermediate	1-2 key issues given superficial emphasis. Preparation of minor new documents required. RFE specific to a few issues with clear response criteria.	4-5	\$900
3 – Complex	More than 1-2 issues challenged, deeper response level required with multiple new documents and legal arguments. RFE highlights specific facts in application for additional targeted evidence.	6-9	\$1300
4 – Highly Complex	All criteria contested without clear guidance to cure. Must engage in complete and comprehensive revision of full submission and supporting evidence to establish satisfaction of each adjudicative factor.	10+	\$1700

Please note that the quoted fees, particularly the USCIS fees, are the posted fees at the time of preparation of this document and are subject to change.