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declared breached, of the reasons therefor, and of the right to appeal in accordance with the provisions of this part.

[31 FR 11713, Sept. 7, 1966, as amended at 32 FR 9622, July 4, 1967; 33 FR 5255, Apr. 2, 1968; 33 FR 10504, July 24, 1968; 34 FR 1008, Jan. 23, 1969; 34 FR 14760, Sept. 25, 1969; 39 FR 12334, Apr. 5, 1974; 40 FR 42852, Sept. 17, 1975; 48 FR 51144, Nov. 7, 1983; 49 FR 24011, June 11, 1984; 60 FR 21974, May 4, 1995; 62 FR 10336, Mar. 6, 1997]

### § 103.7 Fees.

(a) *Remittances.* (1) Fees shall be submitted with any formal application or petition prescribed in this chapter in the amount prescribed by law or regulation. Except for fees remitted directly to the Board of Immigration Appeals pursuant to the provisions of 8 CFR 1003.8, or as the Attorney General otherwise may provide by regulation, any fee relating to any Department of Justice Executive Office for Immigration Review proceeding shall be paid to, and accepted by, any BCIS office authorized to accept fees. The immigration court does not collect fees. Payment of any fee under this section does not constitute filing of the document with the Board of Immigration Appeals or with the Immigration Court. The Department of Homeland Security shall return to the payer, at the time of payment, a receipt for any fee paid. The BCIS shall also return to the payer any documents, submitted with the fee, relating to any Immigration Court proceeding.

(2) Remittances must be drawn on a bank or other institution located in the United States and be payable in United States currency. Fees in the form of postage stamps shall not be accepted. Remittances to the Department of Homeland Security shall be made payable to the "Department of Homeland Security" except that in case of applicants residing in the Virgin Islands of the United States, the remittances shall be made payable to the "Commissioner of Finance of the Virgin Islands" and, in the case of applicants residing in Guam, the remittances shall be made payable to the "Treasurer, Guam." If an application to the Department of Homeland Security is submitted from outside the United

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States, remittance may be made by bank international money order or foreign draft drawn on a financial institution in the United States and payable to the Department of Homeland Security. Remittances to the Board of Immigration Appeals shall be made payable to the "United States Department of Justice," in accordance with 8 CFR 1003.8. A charge of \$30.00 will be imposed if a check in payment of a fee or any other matter is not honored by the bank or financial institution on which it is drawn. A receipt issued by a Department of Homeland Security officer for any remittance shall not be binding upon the Department of Homeland Security if the remittance is found uncollectible. Furthermore, legal and statutory deadlines will not be deemed to have been met if payment is not made within 10 business days after notification by the Department of Homeland Security of the dishonored check.

(b) *Amounts of fees.* (1) *Prescribed fees and charges.* (i) *USCIS fees.* A request for immigration benefits submitted to USCIS must include the required fee as prescribed under this section. The fees prescribed in this section are associated with the benefit, the adjudication, and the type of request and not solely determined by the form number listed below. The term "form" as defined in 8 CFR part 1, may include a USCIS-approved electronic equivalent of such form as USCIS may prescribe on its official Web site at <http://www.uscis.gov>.

(A) *Certification of true copies:* \$2.00 per copy.

(B) *Attestation under seal:* \$2.00 each.

(C) *Biometric services (Biometric Fee).* For capturing, storing, or using biometrics (Biometric Fee). A service fee of \$85 will be charged of any individual who is required to have biometrics captured, stored, or used in connection with an application or petition for certain immigration and naturalization benefits (other than asylum), whose application fee does not already include the charge for biometric services. No biometric services fee is charged when:

(1) A written request for an extension of the approval period is received by USCIS prior to the expiration date of approval of an Application for Advance

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Processing of Orphan Petition, if a Petition to Classify Orphan as an Immediate Relative has not yet been submitted in connection with an approved Application for Advance Processing of Orphan Petition. This extension without fee is limited to one occasion. If the approval extension expires prior to submission of an associated Petition to Classify Orphan as an Immediate Relative, then a complete application and fee must be submitted for a subsequent application.

(2) The application or petition fee for the associated benefit request has been waived under paragraph (c) of this section; or

(3) The associated benefit request is an Application for Posthumous Citizenship (Form N-644); Refugee/Asylee Relative Petition (Form I-730); Application for T Nonimmigrant Status (Form I-914); Petition for U Nonimmigrant Status (Form I-918); Application for Naturalization (Form N-400) by an applicant who meets the requirements of sections 328 or 329 of the Act with respect to military service under paragraph (b)(1)(i)(WW) of this section; Application to Register Permanent Residence or Adjust Status (Form I-485) from an asylee under paragraph (b)(1)(i)(U) of this section; Application To Adjust Status under Section 245(i) of the Act (Supplement A to Form I-485) from an unmarried child less than 17 years of age, or when the applicant is the spouse, or the unmarried child less than 21 years of age of a legalized alien and who is qualified for and has applied for voluntary departure under the family unity program from an asylee under paragraph (b)(1)(i)(V) of this section; or a Petition for Amerasian, Widow(er), or Special Immigrant (Form I-360) meeting the requirements of paragraphs (b)(1)(i)(T)(1), (2), (3) or (4) of this section.

(D) *Immigrant visa DHS domestic processing fees.* For DHS domestic processing and issuance of required documents after an immigrant visa is issued by the Department of State: \$165.

(E) *Request for a search of indices to historical records to be used in genealogical research (Form G-1041):* \$20. The search fee is not refundable.

(F) *Request for a copy of historical records to be used in genealogical research (Form G-1041A):* \$20 for each file copy from microfilm, or \$35 for each file copy from a textual record. In some cases, the researcher may be unable to determine the fee, because the researcher will have a file number obtained from a source other than USCIS and therefore not know the format of the file (microfilm or hard copy). In this case, if USCIS locates the file and it is a textual file, USCIS will notify the researcher to remit the additional \$15. USCIS will refund the records request fee only when it is unable to locate the file previously identified in response to the index search request.

(G) *Application to Replace Permanent Resident Card (Form I-90).* For filing an application for a Permanent Resident Card (Form I-551) in lieu of an obsolete card or in lieu of one lost, mutilated, or destroyed, or for a change in name: \$365.

(H) *Application for Replacement/Initial Nonimmigrant Arrival-Departure Document (Form I-102).* For filing a petition for an application for Arrival/Departure Record (Form I-94) or Crewman's Landing Permit (Form I-95), in lieu of one lost, mutilated, or destroyed: \$330.

(I) *Petition for a Nonimmigrant Worker (Form I-129).* For filing a petition for a nonimmigrant worker: \$325.

(J) *Petition for Nonimmigrant Worker in CNMI (Form I-129CW).* For an employer to petition on behalf of one or more beneficiaries: \$325 plus a supplemental CNMI education funding fee of \$150 per beneficiary per year. The CNMI education funding fee cannot be waived.

(K) *Petition for Alien Fiancé(e) (Form I-129F).* For filing a petition to classify a nonimmigrant as a fiancée or fiancé under section 214(d) of the Act: \$340; there is no fee for a K-3 spouse as designated in 8 CFR 214.1(a)(2) who is the beneficiary of an immigrant petition filed by a United States citizen on a Petition for Alien Relative (Form I-130).

(L) *Petition for Alien Relative (Form I-130).* For filing a petition to classify status of an alien relative for issuance of an immigrant visa under section 204(a) of the Act: \$420.

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(M) *Application for Travel Document (Form I-131)*. For filing an application for travel document:

(1) \$135 for a Refugee Travel Document for an adult age 16 or older.

(2) \$105 for a Refugee Travel Document for a child under the age of 16.

(3) \$360 for advance parole and any other travel document.

(4) No fee if filed in conjunction with a pending or concurrently filed Application to Register Permanent Residence or Adjust Status (Form I-485) when that application was filed with a fee on or after July 30, 2007.

(N) *Immigrant Petition for Alien Worker (Form I-140)*. For filing a petition to classify preference status of an alien on the basis of profession or occupation under section 204(a) of the Act: \$580.

(O) *Application for Advance Permission to Return to Unrelinquished Domicile (Form I-191)*. For filing an application for discretionary relief under section 212(c) of the Act: \$585.

(P) *Application for Advance Permission to Enter as a Nonimmigrant (Form I-192)*. For filing an application for discretionary relief under section 212(d)(3) of the Act, except in an emergency case or where the approval of the application is in the interest of the United States Government: \$585.

(Q) *Application for Waiver for Passport and/or Visa (Form I-193)*. For filing an application for waiver of passport and/or visa: \$585.

(R) *Application for Permission to Reapply for Admission into the United States After Deportation or Removal (Form I-212)*. For filing an application for permission to reapply for an excluded, deported or removed alien, an alien who has fallen into distress, an alien who has been removed as an alien enemy, or an alien who has been removed at government expense in lieu of deportation: \$585.

(S) *Notice of Appeal or Motion (Form I-290B)*. For appealing a decision under the immigration laws in any type of proceeding over which the Board of Immigration Appeals does not have appellate jurisdiction: \$630. The fee will be the same for appeal of a denial of a benefit request with one or multiple beneficiaries. There is no fee for an appeal or motion associated with a denial of a petition for a special immigrant

visa from an Iraqi or Afghan national who worked for or on behalf of the U.S. Government in Iraq or Afghanistan.

(T) *Petition for Amerasian, Widow(er), or Special Immigrant (Form I-360)*. For filing a petition for an Amerasian, Widow(er), or Special Immigrant: \$405. The following requests are exempt from this fee:

(1) A petition seeking classification as an Amerasian;

(2) A self-petitioning battered or abused spouse, parent, or child of a United States citizen or lawful permanent resident;

(3) A Special Immigrant Juvenile; or

(4) An Iraqi or Afghan national who worked for, or on behalf of the U.S. Government in Iraq or Afghanistan.

(U) *Application to Register Permanent Residence or Adjust Status (Form I-485)*. For filing an application for permanent resident status or creation of a record of lawful permanent residence:

(1) \$985 for an applicant 14 years of age or older; or

(2) \$635 for an applicant under the age of 14 years when it is:

(i) Submitted concurrently for adjudication with the Form I-485 of a parent;

(ii) The applicant is seeking to adjust status as a derivative of his or her parent; and

(iii) The child's application is based on a relationship to the same individual who is the basis for the child's parent's adjustment of status, or under the same legal authority as the parent.

(3) There is no fee if an applicant is filing as a refugee under section 209(a) of the Act.

(V) *Application to Adjust Status under section 245(i) of the Act (Supplement A to Form I-485)*. Supplement A to Form I-485 for persons seeking to adjust status under the provisions of section 245(i) of the Act: \$1,000. There is no fee when the applicant is an unmarried child less than 17 years of age, or when the applicant is the spouse, or the unmarried child less than 21 years of age of a legalized alien and who is qualified for and has applied for voluntary departure under the family unity program.

(W) *Immigrant Petition by Alien Entrepreneur (Form I-526)*. For filing a petition for an alien entrepreneur: \$1,500.

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(X) *Application To Extend/Change Non-immigrant Status (Form I-539)*. For filing an application to extend or change nonimmigrant status: \$290.

(Y) *Petition to Classify Orphan as an Immediate Relative (Form I-600)*. For filing a petition to classify an orphan as an immediate relative for issuance of an immigrant visa under section 204(a) of the Act. Only one fee is required when more than one petition is submitted by the same petitioner on behalf of orphans who are brothers or sisters: \$720.

(Z) *Application for Advance Processing of Orphan Petition (Form I-600A)*. For filing an application for advance processing of orphan petition. (When more than one petition is submitted by the same petitioner on behalf of orphans who are brothers or sisters, only one fee will be required.): \$720. No fee is charged if Form I-600 has not yet been submitted in connection with an approved Form I-600A subject to the following conditions:

(1) The applicant requests an extension of the approval in writing and the request is received by USCIS prior to the expiration date of approval.

(2) The applicant's home study is updated and USCIS determines that proper care will be provided to an adopted orphan.

(3) A no fee extension is limited to one occasion. If the Form I-600A approval extension expires prior to submission of an associated Form I-600, then a complete application and fee must be submitted for any subsequent application.

(AA) *Application for Waiver of Ground of Inadmissibility (Form I-601)*. For filing an application for waiver of grounds of inadmissibility: \$585.

(BB) *Application for Waiver of the Foreign Residence Requirement (under Section 212(e) of the Act) (Form I-612)*. For filing an application for waiver of the foreign residence requirement under section 212(e) of the Act: \$585.

(CC) *Application for Status as a Temporary Resident under Section 245A of the Act (Form I-687)*. For filing an application for status as a temporary resident under section 245A(a) of the Act: \$1,130.

(DD) *Application for Waiver of Grounds of Inadmissibility under Sections 245A or 210 of the Act (Form I-690)*. For filing an

application for waiver of a ground of inadmissibility under section 212(a) of the Act in conjunction with the application under sections 210 or 245A of the Act, or a petition under section 210A of the Act: \$200.

(EE) *Notice of Appeal of Decision under Sections 245A or 210 of the Act (or a petition under section 210A of the Act) (Form I-694)*. For appealing the denial of an application under sections 210 or 245A of the Act, or a petition under section 210A of the Act: \$755.

(FF) *Application to Adjust Status from Temporary to Permanent Resident (Under Section 245A of Public Law 99-603) (Form I-698)*. For filing an application to adjust status from temporary to permanent resident (under section 245A of Public Law 99-603): \$1020. The adjustment date is the date of filing of the application for permanent residence or the applicant's eligibility date, whichever is later.

(GG) *Petition to Remove the Conditions of Residence based on marriage (Form I-751)*. For filing a petition to remove the conditions on residence based on marriage: \$505.

(HH) *Application for Employment Authorization (Form I-765)*: \$380; no fee if filed in conjunction with a pending or concurrently filed Application to Register Permanent Residence or Adjust Status (Form I-485) when that request was filed with a fee on or after July 30, 2007.

(II) *Petition to Classify Convention Adoptee as an Immediate Relative (Form I-800)*.

(1) There is no fee for 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 (Form I-800A) during the approval period.

(2) If more than one Form I-800 is filed during the approval period for different children, the fee is \$720 for the second and each subsequent petition submitted.

(3) If the children are already siblings before the proposed adoption, however, only one filing fee of \$720 is required, regardless of the sequence of submission of the immigration benefit.

(JJ) *Application for Determination of Suitability to Adopt a Child from a Convention Country (Form I-800A)*. For filing an application for determination of suitability to adopt a child from a Convention country: \$720.

(KK) *Request for Action on Approved Application for Determination of Suitability to Adopt a Child from a Convention Country (Form I-800A, Supplement 3)*. This filing fee is not charged if Form I-800 has not been filed based on the approval of the Form I-800A, and Form I-800A Supplement 3 is filed in order to obtain a first extension of the approval of the Form I-800A: \$360.

(LL) *Application for Family Unity Benefits (Form I-817)*. For filing an application for voluntary departure under the Family Unity Program: \$435.

(MM) *Application for Temporary Protected Status (Form I-821)*. For first time applicants: \$50. This \$50 application fee does not apply to re-registration.

(NN) *Application for Action on an Approved Application or Petition (Form I-824)*. For filing for action on an approved application or petition: \$405.

(OO) *Petition by Entrepreneur to Remove Conditions (Form I-829)*. For filing a petition by entrepreneur to remove conditions: \$3,750.

(PP) *Application for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to Section 203 of Pub. L. 105-100) (Form I-881)*:

(1) \$285 for adjudication by the Department of Homeland Security, except that the maximum amount payable by family members (related as husband, wife, unmarried child under 21, unmarried son, or unmarried daughter) who submit applications at the same time shall be \$570.

(2) \$165 for adjudication by the Immigration Court (a single fee of \$165 will be charged whenever applications are filed by two or more aliens in the same proceedings).

(3) The \$165 fee is not required if the Form I-881 is referred to the Immigration Court by the Department of Homeland Security.

(QQ) *Application for Authorization to Issue Certification for Health Care Workers (Form I-905)*: \$230.

(RR) *Request for Premium Processing Service (Form I-907)*. The fee must be paid in addition to, and in a separate

remittance from, other filing fees. The request for premium processing fee will be adjusted annually by notice in the FEDERAL REGISTER based on inflation according to the Consumer Price Index (CPI). The fee to request premium processing: \$1,225. The fee for Premium Processing Service may not be waived.

(SS) *Civil Surgeon Designation*. For filing an application for civil surgeon designation: \$615. There is no fee for an application from a medical officer in the U.S. Armed Forces or civilian physician employed by the U.S. government who examines members and veterans of the armed forces and their dependents at a military, Department of Veterans Affairs, or U.S. Government facility in the United States.

(TT) *Application for Regional Center under the Immigrant Investor Pilot Program (Form I-924)*. For filing an application for regional center under the Immigrant Investor Pilot Program: \$6,230.

(UU) *Petition for Qualifying Family Member of a U-1 Nonimmigrant (Form I-929)*. For U-1 principal applicant to submit for each qualifying family member who plans to seek an immigrant visa or adjustment of U status: \$215.

(VV) *Application to File Declaration of Intention (Form N-300)*. For filing an application for declaration of intention to become a U.S. citizen: \$250.

(WW) *Request for a Hearing on a Decision in Naturalization Proceedings (under section 336 of the Act) (Form N-336)*. For filing a request for hearing on a decision in naturalization proceedings under section 336 of the Act: \$650. There is no fee if filed on or after October 1, 2004, by an applicant who has filed an Application for Naturalization under sections 328 or 329 of the Act with respect to military service and whose application has been denied.

(XX) *Application for Naturalization (Form N-400)*. For filing an application for naturalization (other than such application filed on or after October 1, 2004, by an applicant who meets the requirements of sections 328 or 329 of the Act with respect to military service, for which no fee is charged): \$595.

(YY) *Application to Preserve Residence for Naturalization Purposes (Form N-470)*. For filing an application for benefits under section 316(b) or 317 of the Act: \$330.

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(ZZ) *Application for Replacement Naturalization/Citizenship Document (Form N-565)*. For filing an application for a certificate of naturalization or declaration of intention in lieu of a certificate or declaration alleged to have been lost, mutilated, or destroyed; for a certificate of citizenship in a changed name under section 343(c) of the Act; or for a special certificate of naturalization to obtain recognition as a citizen of the United States by a foreign state under section 343(b) of the Act: \$345. There is no fee when this application is submitted under 8 CFR 338.5(a) or 343a.1 to request correction of a certificate that contains an error.

(AAA) *Application for Certificate of Citizenship (Form N-600)*. For filing an application for a certificate of citizenship under section 309(c) or section 341 of the Act for applications filed on behalf of a biological child: \$600. For applications filed on behalf of an adopted child: \$550. There is no fee for any application filed by a member or veteran of any branch of the United States Armed Forces.

(BBB) *Application for Citizenship and Issuance of Certificate under section 322 of the Act (Form N-600K)*. For filing an application for citizenship and issuance of certificate under section 322 of the Act: \$600, for an application filed on behalf of a biological child, and \$550 for an application filed on behalf of an adopted child.

(ii) *Other DHS immigration fees*. The following fees are applicable to one or more of the immigration components of DHS:

(A) *DCL System Costs Fee*. For use of a Dedicated Commuter Lane (DCL) located at specific ports-of-entry of the United States by an approved participant in a designated vehicle: \$80.00, with the maximum amount of \$160.00 payable by a family (husband, wife, and minor children under 18 years of age). Payable following approval of the application but before use of the DCL by each participant. This fee is non-refundable, but may be waived by DHS. If a participant wishes to enroll more than one vehicle for use in the PORTPASS system, he or she will be assessed with an additional fee of: \$42 for each additional vehicle enrolled.

(B) *Form I-17*. For filing a petition for school certification: \$1,700, plus a site visit fee of \$655 for each location listed on the form.

(C) *Form I-68*. For application for issuance of the Canadian Border Boat Landing Permit under section 235 of the Act: \$16.00. The maximum amount payable by a family (husband, wife, unmarried children under 21 years of age, and parents of either husband or wife) shall be \$32.00.

(D) *Form I-94*. For issuance of Arrival/Departure Record at a land border port-of-entry: \$6.00.

(E) *Form I-94W*. For issuance of Non-immigrant Visa Waiver Arrival/Departure Form at a land border port-of-entry under section 217 of the Act: \$6.00.

(F) *Form I-246*. For filing application for stay of deportation under 8 CFR part 243: \$155.00.

(G) *Form I-823*. For application to a PORTPASS program under section 286 of the Act—\$25.00, with the maximum amount of \$50.00 payable by a family (husband, wife, and minor children under 18 years of age). The application fee may be waived by the district director. If fingerprints are required, the inspector will inform the applicant of the current Federal Bureau of Investigation fee for conducting fingerprint checks prior to accepting the application fee. Both the application fee (if not waived) and the fingerprint fee must be paid to CBP before the application will be processed. The fingerprint fee may not be waived. For replacement of PORTPASS documentation during the participation period: \$25.00.

(H) *Form I-901*. For remittance of the I-901 SEVIS fee for F and M students: \$200. For remittance of the I-901 SEVIS fee for certain J exchange visitors: \$180. For remittance of the I-901 SEVIS fee for J-1 au pairs, camp counselors, and participants in a summer work/travel program: \$35. There is no I-901 SEVIS fee remittance obligation for J exchange visitors in federally-funded programs with a program identifier designation prefix that begins with G-1, G-2, G-3 or G-7.

(I) *Special statistical tabulations*—a charge will be made to cover the cost of the work involved: DHS Cost.

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(J) *Set of monthly, semiannual, or annual tables entitled “Passenger Travel Reports via Sea and Air”*: \$7.00. Available from DHS, then the Immigration & Naturalization Service, for years 1975 and before. Later editions are available from the United States Department of Transportation, contact: United States Department of Transportation, Transportation Systems Center, Kendall Square, Cambridge, MA 02142.

(K) *Classification of a citizen of Canada to be engaged in business activities at a professional level pursuant to section 214(e) of the Act (Chapter 16 of the North American Free Trade Agreement)*: \$50.00.

(L) *Request for authorization for parole of an alien into the United States*: \$65.00.

(2) *Fees for copies of records*. Fees for production or disclosure of records under 5 U.S.C. 552 shall be charged in accordance with the regulations of the Department of Homeland Security at 6 CFR 5.11.

(3) *Adjustment to fees*. The fees prescribed in paragraph (b)(1)(i) of this section may be adjusted annually by publication of an inflation adjustment. The inflation adjustment will be announced by a publication of a notice in the FEDERAL REGISTER. The adjustment shall be a composite of the Federal civilian pay raise assumption and non-pay inflation factor for that fiscal year issued by the Office of Management and Budget for agency use in implementing OMB Circular A-76, weighted by pay and non-pay proportions of total funding for that fiscal year. If Congress enacts a different Federal civilian pay raise percentage than the percentage issued by OMB for Circular A-76, the Department of Homeland Security may adjust the fees, during the current year or a following year to reflect the enacted level. The prescribed fee or charge shall be the amount prescribed in paragraph (b)(1)(i) of this section, plus the latest inflation adjustment, rounded to the nearest \$5 increment.

(4) *Fees for immigration court and Board of Immigration Appeals*. Fees for proceedings before immigration judges and the Board of Immigration Appeals are provided in 8 CFR 1103.7.

(c) *Waiver of fees*. (1) *Eligibility for a fee waiver*. Discretionary waiver of the

fees provided in paragraph (b)(1)(i) of this section are limited as follows:

(i) The party requesting the benefit is unable to pay the prescribed fee.

(ii) A waiver based on inability to pay is consistent with the status or benefit sought including requests that require demonstration of the applicant’s ability to support himself or herself, or individuals who seek immigration status based on a substantial financial investment.

(2) *Requesting a fee waiver*. To request a fee waiver, a person requesting an immigration benefit must submit a written request for permission to have their request processed without payment of a fee with their benefit request. The request must state the person’s belief that he or she is entitled to or deserving of the benefit requested, the reasons for his or her inability to pay, and evidence to support the reasons indicated. There is no appeal of the denial of a fee waiver request.

(3) *USCIS fees that may be waived*. No fee relating to any application, petition, appeal, motion, or request made to U.S. Citizenship and Immigration Services may be waived except for the following:

- (i) Biometric Fee,
- (ii) Application to Replace Permanent Resident Card,
- (iii) Petition for a CNMI-Only Non-immigrant Transitional Worker,
- (iv) Application for Travel Document when filed to request humanitarian parole,
- (v) Application for Advance Permission to Return to Unrelinquished Domicile,
- (vi) Notice of Appeal or Motion, when there is no fee for the underlying application or petition or that fee may be waived,
- (vii) Petition to Remove the Conditions of Residence based on marriage (Form I-751),
- (viii) Application for Employment Authorization,
- (ix) Application for Family Unity Benefits,
- (x) Application for Temporary Protected Status,
- (xi) Application for Suspension of Deportation or Special Rule Cancellation of Removal (pursuant to section 203 of Pub. L. 105-110),

(xii) Application to File Declaration of Intention, Request for a Hearing on a Decision in Naturalization Proceedings (under section 336 of the INA),

(xiii) Application for Naturalization,

(xiv) Application to Preserve Residence for Naturalization Purposes,

(xv) Application for Replacement Naturalization/Citizenship Document,

(xvi) Application for Certificate of Citizenship,

(xvii) Application for Citizenship and Issuance of Certificate under section 322 of this Act, and

(xviii) Any fees associated with the filing of any benefit request by a VAWA self-petitioner or under sections 101(a)(15)(T) (T visas), 101(a)(15)(U) (U visas), 106 (battered spouses of A, G, E-3, or H nonimmigrants), 240A(b)(2) (battered spouse or child of a lawful permanent resident or U.S. citizen), and 244(a)(3) (Temporary Protected Status), of the Act (as in effect on March 31, 1997).

(4) The following fees may be waived only for an alien for which a determination of their likelihood of becoming a public charge under section 212(a)(4) of the Act is not required at the time of an application for admission or adjustment of status.:

(i) Application for Advance Permission to Enter as Nonimmigrant;

(ii) Application for Waiver for Passport and/or Visa;

(iii) Application to Register Permanent Residence or Adjust Status;

(iv) Application for Waiver of Grounds of Inadmissibility.

(5) *Immigration Court fees.* The provisions relating to the authority of the immigration judges or the Board to waive fees prescribed in paragraph (b) of this section in cases under their jurisdiction can be found at 8 CFR 1003.8 and 1003.24.

(6) *Fees under the Freedom of Information Act (FOIA).* FOIA fees may be waived or reduced if DHS determines that such action would be in the public interest because furnishing the information can be considered as primarily benefiting the general public.

(d) *Exceptions and exemptions.* The Director of USCIS may approve and suspend exemptions from any fee required by paragraph (b)(1)(i) of this section or provide that the fee may be waived for

a case or specific class of cases that is not otherwise provided in this section, if the Director determines that such action would be in the public interest and the action is consistent with other applicable law. This discretionary authority will not be delegated to any official other than the USCIS Deputy Director.

(e) *Premium processing service.* A person submitting a request to USCIS may request 15 calendar day processing of certain employment-based immigration benefit requests.

(1) *Submitting a request for premium processing.* A request for premium processing must be submitted on the form prescribed by USCIS, including the required fee, and submitted to the address specified on the form instructions.

(2) *15-day limitation.* The 15 calendar day processing period begins when USCIS receives the request for premium processing accompanied by an eligible employment-based immigration benefit request.

(i) If USCIS cannot reach a final decision on a request for which premium processing was requested, as evidenced by an approval notice, denial notice, a notice of intent to deny, or a request for evidence, USCIS will refund the premium processing service fee, but continue to process the case.

(ii) USCIS may retain the premium processing fee and not reach a conclusion on the request within 15 days, and not notify the person who filed the request, if USCIS opens an investigation for fraud or misrepresentation relating to the benefit request.

(3) *Requests eligible for premium processing.*

(i) USCIS will designate the categories of employment-related benefit requests that are eligible for premium processing.

(ii) USCIS will announce by its official Internet Web site, currently <http://www.uscis.gov>, those requests for which premium processing may be requested, the dates upon which such availability commences and ends, and any conditions that may apply.

(f) *Authority to certify records.* The Director of USCIS, or such officials as he or she may designate, may certify records when authorized under 5 U.S.C.



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552 or any other law to provide such records.

[38 FR 35296, Dec. 27, 1973]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §103.7, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

EFFECTIVE DATE NOTE: At 75 FR 79275, Dec. 20, 2010, §103.7 was amended by removing the word "and" at the end of paragraph (c)(3)(xvii); removing the "." at the end of paragraph (c)(3)(xviii) and adding a ", and" in its place; and by adding a new paragraph (c)(3)(xix), effective Jan. 19, 2011. For the convenience of the user, the added text is set forth as follows:

§ 103.7 Fees.

\* \* \* \* \*

(c) \* \* \*

(3) \* \* \*

(xix) Petition for Nonimmigrant Worker (Form I-129) or Application to Extend/Change Nonimmigrant Status (Form I-539), only in the case of an alien applying for E-2 CNMI Investor nonimmigrant status under 8 CFR 214.2(e)(23).

\* \* \* \* \*

EDITORIAL NOTE: At 73 FR 55698, Sept. 26, 2008, §103.7 was amended by revising Form I-290B. However the amendment could not be incorporated because the text of the newly revised form was not printed.

§ 103.8 Definitions pertaining to availability of information under the Freedom of Information Act.

Sections 103.8, 103.9, and 103.10 of this part comprise the Service regulations under the Freedom of Information Act, 5 U.S.C. 552. These regulations supplement those of the Department of Justice, 28 CFR part 16, subpart A. As used in this part the following definitions shall apply:

(a) The term *access* means providing a copy of the record requested or affording the opportunity for an in-person review of the original record or a copy thereof. The determination to permit an in-person review is discretionary and will only be made when specifically requested. Whenever providing in-person access will unreasonably disrupt the normal operations of an office, the requester may be sent a copy of the

requested records that are nonexempt in lieu of the in-person review.

(b) The term *decision* means a final written determination in a proceeding under the Act accompanied by a statement of reasons. Orders made by check marks, stamps, or brief endorsements which are not supported by a reasoned explanation, or those incorporating preprinted language on Service forms are not *decisions*.

(c) The term *records* includes records of proceedings, documents, reports, and other papers maintained by the Service.

(d) The term *record of proceeding* is the official history of any hearing, examination, or proceeding before the Service, and in addition to the application, petition or other initiating document, includes the transcript of hearing or interview, exhibits, and any other evidence relied upon in the adjudication; papers filed in connection with the proceedings, including motions and briefs; the Service officer's determination; notice of appeal or certification; the Board or other appellate determination; motions to reconsider or reopen; and documents submitted in support of appeals, certifications, or motions.

[32 FR 9623, July 4, 1967, as amended at 40 FR 7236, Feb. 19, 1975; 52 FR 2942, Jan. 29, 1987; 58 FR 31148, June 1, 1993]

§ 103.9 Availability of decisions and interpretive material under the Freedom of Information Act.

(a) *Precedent decisions*. There may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, bound volumes of designated precedent decisions entitled "Administrative Decisions Under Immigration and Nationality Laws of the United States," each containing a cumulative index. Prior to publication in volume from current precedent decisions, known as interim decisions, are obtainable from the Superintendent of Documents on a single copy or yearly subscription basis. Bound volumes and current precedent decisions may be read at principal Service offices.

(b) *Unpublished decisions*. Each district director in the United States will maintain copies of unpublished Service