



OOD

PM 25-36 (Amended)  
Effective: July 17, 2025

To: All of EOIR  
From: Sirce E. Owen, Acting Director  
Date: July 17, 2025

## STATUTORY FEES UNDER THE ONE BIG BEAUTIFUL BILL ACT

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PURPOSE:	Update and supplement EOIR policy regarding fees
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. § 1003.0(b)
CANCELLATION:	Policy Memorandum 25-35, <i>Statutory Fees Under the One Big Beautiful Bill Act</i>

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This Policy Memorandum (PM) supersedes and replaces PM 25-35 in order to clarify certain points for adjudicators.

### I. Background

On December 18, 2020, EOIR issued PM 21-10, *Fees*, which noted EOIR's statutory authority to set fees to ensure full cost recovery and committed EOIR to reviewing its fees on at least a biennial basis. PM 21-10 also provided guidance on the adjudication of fee waivers.<sup>1</sup>

More recently, on Friday, July 4, 2025, President Donald J. Trump signed the One Big Beautiful Bill Act ("OBBBA") (H.R.1), which, *inter alia*, introduced or increased numerous immigration-related fees relevant to EOIR and amended the availability of fee waivers in certain instances. Effective immediately, EOIR is implementing the statutorily mandated immigration fees and fee waiver changes established by OBBBA. To the extent EOIR's current regulations regarding fees and availability of fee waivers are inconsistent with OBBBA, the regulations are superseded by the statute.<sup>2</sup> *See, e.g., Farrell v. United States*, 313 F.3d 1214, 1219 (9th Cir. 2002) ("It is well-settled that when a regulation conflicts with a subsequently enacted statute, the statute controls and voids the regulation.").

### II. Key Provisions of OBBBA

First, OBBBA implemented or increased fees for various applications for relief and protection

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<sup>1</sup> PM 21-10 was rescinded on June 7, 2021, and then reinstated on January 30, 2025. *See* PM 25-12, *Cancellation of Policy Memorandum 21-24 and Reinstatement of Policy Memorandum 21-10* (Jan. 30, 2025).

<sup>2</sup> EOIR will conduct a future rulemaking to conform its regulations to OBBBA.

from removal adjudicated in EOIR proceedings, increased fees for appeals before the Board of Immigration Appeals (Board), and increased fees for various types of motions before EOIR. Importantly, the fees imposed by OBBBA are “[i]n *addition* to any other fees authorized by law.” *See, e.g.*, OBBBA § 100013(a)(1) (emphasis added). Thus, for applications adjudicated by EOIR, the fees imposed by OBBBA are in addition to the existing fees established by regulation. *See* 8 C.F.R. § 1103.7. The fee amounts contained in this PM reflect the current, accurate fee amounts.

OBBBA also introduced a new fee requirement for initial asylum applications and further requires annual fees for every calendar year that an asylum application remains pending.<sup>3</sup> Because the statute imposes the annual asylum fee beginning in fiscal year 2025, *see* OBBBA § 100009(b)(1), that fee applies to any asylum application pending for more than one year as of a date after the date of enactment of OBBBA.<sup>4</sup>

OBBBA does not affect where fees are payable. Fees continue to be payable as noted in PM 21-10 and 8 C.F.R. § 1103.7(a). Moreover, until EOIR updates the fee amounts in its regulations at 8 C.F.R. § 1103.7(b), Immigration Court and Board staff should apply the fee amounts as reflective of the changes made by OBBBA, which are contained in Section III of this PM below.

Second, OBBBA prohibits certain fees from being waived or reduced. Specifically, pursuant to provisions of OBBBA, the following fees shall not be waived or reduced:

- initial asylum application fee (sec. 100002(e));
- annual asylum fee (sec. 100009(d));
- Temporary Protected Status fee (sec. 100006).<sup>5</sup>

OBBBA does not affect the validity of EOIR’s fee waiver request form, Form EOIR-26A. Further, the guidance contained in PM 21-10 regarding practices for the adjudication of fee waiver requests remains valid.<sup>6</sup> The Board may also provide further guidance on the adjudication of fee waivers through the issuance of precedential decisions.

Third, OBBBA explicitly authorizes the DHS Secretary and the Attorney General to increase the noted fees by regulation above the amounts provided in OBBBA. Thus, consistent with PM 21-10, EOIR will continue to review its fees on at least a biennial basis, if not more frequently, to determine whether any further fee adjustments are warranted.

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<sup>3</sup> Under OBBBA, motions to reopen based on an underlying asylum application are also now subject to a fee.

<sup>4</sup> For example, an asylum application filed on July 7, 2024, that was still pending as of July 7, 2025, would be subject to the fee.

<sup>5</sup> OBBBA does not alter EOIR’s rule that “[n]o [fee] waiver may be granted with respect to the fee prescribed for a Department of Homeland Security form or action that is identified as non-waivable in regulations of the Department of Homeland Security.” 8 C.F.R. § 1103.7(c). Thus, in certain circumstances EOIR may not waive fees for a Form I-485 or a Form I-601. *See* 8 C.F.R. §§ 106.3(a)(3)(iv)(C), (D).

<sup>6</sup> Adjudicators should be mindful of potential fraud or misrepresentations on fee waiver applications, particularly from aliens who have employment authorization and have lived in the United States for many years. Instances of suspected fraud should be referred to EOIR’s Anti-Fraud Program.

Fourth, OBBBA fees are subject to an annual inflation adjustment beginning in fiscal year 2026. Accordingly, EOIR will annually review, implement, and communicate any inflation-based updates needed to comply with OBBBA.

Lastly, Immigration Court and Board staff must ensure that all filings include either the proper fees, proof of payment of the proper fees, or an appropriate and complete fee waiver request form where applicable. Filings that do not comply with the statutory fee requirement shall be rejected.<sup>7</sup>

### III. EOIR Fees under OBBBA

#### *Applications for Relief or Protection from Removal*

Name & Form	Fee Amount
Adjustment of Status (Form I-485)	\$2,940
Asylum (Form I-589)	\$100
Annual Asylum Fee	\$100 (annually every calendar year that the asylum application is pending)
Cancellation of Removal for Certain Permanent Residents (Form EOIR-42A)	\$700
Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents (Form EOIR-42B)	\$1,600
Suspension of Deportation (Form I-881)	\$700
Temporary Protected Status (“TPS”) (Form I-821)	\$500
Waiver of Inadmissibility (Form I-601)	\$2,100

<sup>7</sup> Until the new asylum fees are fully integrated into existing payment systems, the Immigration Courts will implement temporary measures—e.g. possibly authorizing provisional acceptance of an application pending the subsequent submission of the fee—to ensure that aliens have an avenue to pay the required fees and submit applications. All other fees should remain payable through existing payment structures at EOIR or the Department of Homeland Security.

### *Board Appeals*

Name & Form	Fee Amount
Appeal from an IJ decision (Form EOIR-26)	\$1,010, except for bond appeals, which have no fee
Appeal from a decision of a DHS officer (Form EOIR-29)	\$1,010
Appeal in a practitioner discipline case (Form EOIR-45)	\$2,000

### *Motions to Reopen or Reconsider Filed by Aliens*

Name	Fee Amount
Motion to reopen or reconsider before the Immigration Judge	\$1,045, except no fee if: <ul style="list-style-type: none"><li>• motions to reopen an in absentia removal order filed in accordance with INA § 240(b)(5)(C)(ii);<sup>8</sup> or</li><li>• motions to reopen an in absentia deportation order filed in accordance with former INA § 242B(c)(3)(B) (prior to April 1, 1997)</li></ul>
Motion to reopen or reconsider before the Board	\$1,010

This PM is not intended to, does not, and may not be relied upon to create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Nothing herein should be construed as mandating a particular outcome in any specific case. Nothing in this PM limits an adjudicator's independent judgment and discretion in adjudicating cases or an adjudicator's authority under applicable law.

Please contact your supervisor if you have any questions.

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<sup>8</sup> A motion to reopen an in absentia order filed pursuant to INA § 240(b)(5)(C)(i) *does* require a fee.