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Department of Justice

Executive Office for Immigration Review

FOR IMMEDIATE RELEASE

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Executive Office for Immigration Review Proposes Rule on Fees

Increased Caseload and Adjudication Costs Since Last Fee Increase 33 Years Ago

FALLS CHURCH, VA – The Executive Office for Immigration Review (EOIR) submitted to the Federal Register for publication a [notice of proposed rulemaking](#) related to fees the agency last raised more than 30 years ago. The fees included are related to filings for appeals to the Board of Immigration Appeals (BIA), applications for suspension of deportation or cancellation of removal, and motions to reopen or reconsider before the immigration courts or the BIA.

The Office of Management and Budget, in its 1993 revision of Circular No. A-25, instructs agencies to conduct biennial reviews of fees. Federal law similarly requires each agency's Chief Financial Officer to review agency fees biennially. Despite these instructions, it has been 33 years since EOIR last conducted a thorough review of the costs and appropriateness of its fee-based filings.

Following a comprehensive analysis, EOIR identified a need to avoid nearly \$45 million dollars in taxpayer subsidization for the fee-based filings by proposing the fee increases. "The proposed fee increases are marginal in terms of inflation-adjusted dollars and would mitigate the significant taxpayer subsidization of these forms and motions. EOIR is long past due for a review of its fee-based filings, especially as its caseload and costs have increased substantially since 1986," said James McHenry, EOIR Director.

The proposed rule would not affect immigration judges' and the BIA's discretionary authority to waive a fee upon a showing that the filing party is unable to pay.

The rule proposes the following fee increases:

1. Increase the fee for Form EOIR-26 from \$110 to \$975.
2. Increase the fee for Form EOIR-29 from \$110 to \$705.
3. Increase the fee for Form EOIR-40 from \$100 to \$305.
4. Increase the fee for Form EOIR-42A from \$100 to \$305.
5. Increase the fee for Form EOIR-42B from \$100 to \$360.
6. Increase the fee for Form EOIR-45 from \$110 to \$675.
7. Increase the fee for filing a motion to reopen or reconsider with the immigration court from \$110 to \$145.
8. Increase the fee for filing a motion to reopen or reconsider with the BIA from \$110 to \$895.

— EOIR —

The Executive Office for Immigration Review (EOIR) is an agency within the Department of Justice. EOIR's mission is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws. Under delegated authority from the Attorney General, EOIR conducts immigration court proceedings, appellate reviews, and administrative hearings. EOIR is committed to ensuring fairness in all cases it adjudicates.

Component(s):

Executive Office for Immigration Review

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