



DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 208

[CIS No. 2841-26; DHS Docket No. USCIS-2026-0133]

RIN 1615-AD09

USCIS Immigration Fees and Related Procedures Required by H.R.1 Reconciliation Bill; Correction

AGENCY: U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).

ACTION: Correcting amendment.

SUMMARY: This document corrects the interim final rule (IFR) that published in the Federal Register on April 29, 2026. The IFR codified certain immigration fees and other provisions required by the One Big Beautiful Bill Act (H.R. 1) and amended USCIS regulations governing asylum and annual asylum fees, the new Form I-94 fee requirement, the validity period for certain types of employment authorization, and the retention of the Form I-589 filing fee for every application. This document will restore regulatory language that was unintentionally removed in the April 29, 2026 IFR.

DATES: Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], and applicable as of May 29, 2026.

FOR FURTHER INFORMATION CONTACT: Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, 5900 Capital Gateway Drive, Camp Springs, MD 20746; telephone 240-721-3000 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Need for Correction

On April 29, 2026, DHS published an IFR titled *USCIS Immigration Fees and Related Procedures Required by H.R.1 Reconciliation Bill*. 91 FR 22952. The IFR codified: (1) the Form

I-94 fee requirement set forth in 8 U.S.C. 1807 as it applies to USCIS; (2) the Annual Asylum Fee (AAF) requirement in 8 U.S.C. 1808, including consequences for failure to pay the AAF and limitations related to employment authorization required by 8 U.S.C. 1810(b); (3) the requirement that every asylum application include the fee required by 8 U.S.C. 1802 at filing regardless of whether the application is rejected, and is not refundable; and (4) the H.R.1 limits on the validity of Temporary Protected Status (TPS) employment authorization required by 8 U.S.C. 1803(c) and 8 U.S.C. 1811(a).

This document corrects an inadvertently omitted provision in the regulatory text at 8 CFR 208.7 regarding the processing timeframe for initial applications for employment authorization under 8 CFR 274a.12(c)(8). Before the IFR, 8 CFR 208.7(a)(1) provided, among other things, that “[i]f the asylum application is not so denied, [USCIS] shall have 30 days from the date of filing of the request employment authorization to grant or deny that application, except that no employment authorization shall be issued to an asylum applicant prior to the expiration of the 180-day period following the filing of the asylum application filed on or after April 1, 1997.”

The IFR revised and reformatted the regulatory text at 8 CFR 208.7(a)(1). As part of those revisions, DHS inadvertently did not include the final sentence in 8 CFR 208.7(a)(1) and as a result removed the 30-day processing timeframe for initial (c)(8) employment authorization applications. Therefore, this document corrects the regulatory text, 8 CFR 208.7(a)(1) to restore the 30-day processing timeframe for initial EAD applications based on a pending asylum application by adding a new paragraph to maintain the missing sentence.¹

Because the IFR provides that failure to pay the Annual Asylum Fee (AAF) results in rejection of the pending Form I-589, DHS is adding “rejected” to the 8 CFR 208.7(a)(1)(v)

¹ On February 23, 2026, DHS published a Notice of Proposed Rulemaking that proposed numerous changes related to employment authorization based on a pending asylum application. 91 FR 8616 (Feb. 23, 2026). That rule proposed to extend the current 30-day processing timeframe to 180 days for EAD applications received on or after the effective date of a future final rule on the same topic. 91 FR 8618, 8655-57. The comment period for that proposed rule ended on April 24, 2026. USCIS is reviewing the comments received in response and will consider whether to finalize the proposed changes to the processing timeline in a future rule. Neither the error in the April 29, 2026 IFR nor this correction notice are related to that regulatory change under consideration and instead simply maintain the current regulatory text while DHS considers the long-term policy.

language so that the regulation expressly covers both denials and rejections of asylum applications. This ensures that any (c)(8) employment authorization application filed after an asylum application has been denied or rejected is itself rejected, and any (c)(8) application still pending when the asylum application is denied or rejected is denied, thereby aligning employment authorization consequences with the new AAF rejection mechanism and with 8 U.S.C. 1810(b).

This correction is applicable as if DHS had included this provision in the IFR that published on April 29, 2026. That rule had an effective date of May 29, 2026. Accordingly, the correction is applicable as of May 29, 2026, at 12 a.m. Eastern Time. In other words, DHS will apply the corrected IFR to applications pending on, or filed on or after, May 29, 2026; DHS has continued to prioritize adjudicative resources for initial (c)(8)-based EAD applications accordingly; and there will not be a gap in application of the 30-day processing timeline to asylum applicants seeking EADs under 8 CFR 208.7(a).

II. Administrative Procedure Act

Section 553(b) of the Administrative Procedure Act (APA) generally requires agencies to publish a notice of proposed rulemaking in the Federal Register to provide a period for public comment before the provisions of a rule take effect. 5 U.S.C. 553(b). In addition, section 553(d) of the APA requires agencies to delay the effective date of final rules by a minimum of 30 days after the date of their publication in the Federal Register. 5 U.S.C. 553(d). Both of these requirements can be waived if an agency finds, for good cause, that the notice and comment process and/or delayed effective date is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice. 5 U.S.C. 553(b)(B), (d)(3).

DHS believes there is good cause for publishing this document without prior notice and opportunity for public comment and with an effective date of less than 30 days because such procedures are unnecessary. This document corrects a technical error in the regulatory text and

does not make substantive changes to the policies in the IFR. Therefore, DHS believes that it has good cause to waive the notice and comment and effective date requirements of section 553 of the APA.

List of Subjects in 8 CFR Part 208

Administrative practice and procedure, Aliens, Immigration, Reporting and recordkeeping requirements.

Accordingly, 8 CFR part 208 is corrected by making the following amendment:

PART 208—PROCEDURES FOR ASYLUM AND WITHHOLDING OF REMOVAL

1. The authority citation for part 208 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1158, 1226, 1252, 1282, 1802, 1808; 48 U.S.C. 1806; 8 CFR part 2.

2. Amend § 208.7 by adding paragraph (a)(1)(v) to read as follows:

§ 208.7 Employment authorization.

(a) * * *

(1) * * *

(v) If the asylum application is not so rejected or denied, USCIS shall have 30 days from the date of filing of the application for employment authorization to grant or deny that application, except that no employment authorization shall be issued to an asylum applicant prior to the expiration of the 180-day period following the filing of the asylum application filed on or after April 1, 1997.

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