

TABLE OF CHANGES – INSTRUCTIONS
Form I-881 Application for Suspension of Deportation or Special Rule Cancellation of
Removal (Pursuant to Section 203 of Public Law 105-100, NACARA)
OMB Number: 1615-0072
07/12/2022

Reason for Revision: FY 22-23 Fee Rule
Project Phase: OMBReview

Legend for Proposed Text:

- Black font = Current text
- Red font = Changes

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Current Page Number and Section	Current Text	Proposed Text
Pages 4-6, General Instructions	<p>[Page 4]</p> <p>General Instructions</p> <p>...</p> <p>Filing Fee. Each application must be accompanied by the appropriate filing fee. (See the What Is the Filing Fee section of these Instructions.)</p> <p>...</p>	<p>[Page 4]</p> <p>General Instructions</p> <p>...</p> <p>Filing Fee. See Form G-1055, available at www.uscis.gov/forms, for specific information about the fees applicable to this form.</p> <p>...</p>
Pages 9-10, How to Apply With the Immigration Court	<p>[Page 9]</p> <p>How to Apply With the Immigration Court</p> <p>...</p> <p>You must follow the instructions in the What Is the Filing Fee section related to filing applications with the EOIR. When you appear in EOIR court, you must give a copy of your completed Form I-881 with all the attachments and supporting documents to the DHS attorney (also called ICE chief counsel or district counsel).</p> <p>[Page 10]</p> <p>The immigration judge will need the</p>	<p>[Page 9]</p> <p>How to Apply With the Immigration Court</p> <p>...</p> <p>You must follow the instructions in Form G-1055, Fee Schedule, related to filing applications with EOIR. When you appear in EOIR court, you must give a copy of your completed Form I-881 with all the attachments and supporting documents to the DHS attorney (also called ICE chief counsel or district counsel).</p> <p>[Page 10]</p> <p>The immigration judge will need the</p>

	<p>following:</p> <ol style="list-style-type: none"> 1. An original completed Form I-881 with all attachments and supporting documents; 2. Evidence of payment of the application filing fee as explained in the What Is the Filing Fee section of these Instructions or a request for a waiver of the fee by an immigration judge; <p>...</p>	<p>following:</p> <ol style="list-style-type: none"> 1. An original completed Form I-881 with all attachments and supporting documents; 2. Evidence of payment of the application filing fee as explained in Form G-1055, Fee Schedule, or a request for a waiver of the fee by an immigration judge; <p>...</p>
<p>Page 10, Employment Authorization</p>	<p>[Page 10]</p> <p>Employment Authorization</p> <p>You may apply for employment authorization if you are applying for suspension of deportation or special rule cancellation of removal under NACARA 203. See 8 CFR 274a.12(c)(10). To do so, you must submit a completed Form I-765, Application for Employment Authorization, following the instructions on that form.</p> <p>If you are submitting Form I-765 with your Form I-881, you must pay the filing fees separately. Submit one check or money order for the Form I-765 filing fees and a separate check or money order for the Form I-881 fees.</p>	<p>[Page 10]</p> <p>Employment Authorization</p> <p>You may apply for employment authorization if you are applying for suspension of deportation or special rule cancellation of removal under NACARA 203. See 8 CFR 274a.12(c)(10). To do so, you must submit a completed Form I-765, Application for Employment Authorization, following the instructions on that form.</p> <p>If you are submitting Form I-765 with your Form I-881, you must pay the filing fees separately. Submit one check or money order for the Form I-765 filing fees and a separate check or money order for the Form I-881 fees.</p>
<p>Pages 10-11, What Is the Filing Fee?</p>	<p>[page 10]</p> <p>What Is the Filing Fee?</p> <p>The filing fee for Form I-881 is \$285 per individual application submitted, except that all immediate family members (spouse, child, unmarried son or unmarried daughter) who submit their applications together in a single package are eligible for the family filing fee of \$570. A biometric services fee of \$85 is also required for each applicant over 14 years of age.</p> <p>If you are applying with the Immigration Court, you must pay a \$165 fee to the U.S. Department of Homeland Security (DHS). A single fee of \$165 will be charged whenever applications are filed by two or more aliens in the same proceedings.</p> <p>NOTE: The filing fee and biometric services fee are not refundable, regardless</p>	<p>[delete]</p>

of any action USCIS or the Immigration

Court takes on this application. **DO NOT MAIL CASH.** You must submit all fees in the exact amounts.

Payments by Checks or Money Orders

Use the following guidelines when you prepare your checks or money orders for the Form I-881 filing fee and biometric services fee:

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1. The checks or money orders must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; **and**
2. Make the checks or money orders payable to **U.S. Department of Homeland Security.**

NOTE: Spell out U.S. Department of Homeland Security; do not use the initials “USDHS” or “DHS.”

Notice to Those Paying by Check. If you send USCIS a check, we will convert it into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours, and your bank will show it on your regular account statement.

You will not receive your original check back. We will destroy your original check, but will keep a copy of it. If USCIS cannot process the EFT for technical reasons, you authorize us to process the copy in place of your original check. If your check is returned as unpayable, we will re-submit the payment to the financial institution one time. If the check is returned as unpayable a second time, we will reject your application and charge you a returned check fee.

How To Check If the Fees Are Correct

Form I-881’s filing fee and biometric services fee are current as of the edition date in the lower left corner of this page.

	<p>However, because USCIS fees change periodically, you can verify that the fees are correct by following one of the steps below.</p> <ol style="list-style-type: none"> 1. Visit the USCIS website at www.uscis.gov, select “FORMS,” and check the appropriate fee; or 2. Visit the USCIS Contact Center at www.uscis.gov/contactcenter to get answers to your questions and connect with a live USCIS representative. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: 1-800-767-1833. <p>Fee Waiver</p> <p>You may be eligible for a fee waiver under 8 CFR 103.7(c). If you believe you are eligible for a fee waiver and you are applying with USCIS, you must complete Form I-912, Request for Fee Waiver (or a written request), and submit it with any required evidence of your inability to pay the filing fee with this application. You can review the fee waiver guidance at www.uscis.gov/feewaiver.</p> <p>If you are in proceedings in Immigration Court, an immigration judge has the discretion to waive a fee for an application for relief if you show that you cannot pay the fee. See 8 CFR 1003.24. If you believe you are eligible for a fee waiver, file a written request with the Immigration Court, along with any required evidence of your inability to pay the filing fee with this application. For additional information on filing a request for a fee waiver, see the Immigration Court Practice Manual at www.justice.gov/eoir/office-chief-immigration-judge-0.</p>	
<p>Page 11, Where To File?</p>	<p>[Page 11]</p> <p>Where To File?</p> <p>Please see our website at www.uscis.gov/I-881 or visit the USCIS Contact Center at www.uscis.gov/contactcenter to connect with a USCIS representative for the most current information about where to file this application. The USCIS Contact Center provides information in English and</p>	<p>[Page 11]</p> <p>Where To File?</p> <p>Please see our website at www.uscis.gov/I-881 or visit the USCIS Contact Center at www.uscis.gov/contactcenter to connect with a USCIS representative for the most current information about where to file this application. The USCIS Contact Center provides information in English and</p>

	<p>Spanish. For TTY (deaf or hard of hearing) call: 1-800-767-1833.</p> <p>If you are in proceedings in Immigration Court, an immigration judge has the discretion to waive a fee for an application for relief upon a showing that the filing party is unable to pay the fee. See 8 CFR 1003.24. If you believe you are eligible for a fee waiver, file a written request with the Immigration Court, along with any required evidence of your inability to pay the filing fee with this application. For additional information on filing a request for a fee waiver, see the Immigration Court Practice Manual at www.justice.gov/eoir/office-chief-immigration-judge-0.</p>	<p>Spanish. For TTY (deaf or hard of hearing) call: 1-800-767-1833.</p> <p>If you are in proceedings in Immigration Court, an immigration judge has the discretion to waive a fee for an application for relief upon a showing that the filing party is unable to pay the fee. See 8 CFR 1003.24. If you believe you are eligible for a fee waiver, file a written request with the Immigration Court, along with any required evidence of your inability to pay the filing fee with this application. For additional information on filing a request for a fee waiver, see the Immigration Court Practice Manual at www.justice.gov/eoir/office-chief-immigration-judge-0.</p>
<p>Page 13, Paperwork Reduction Act</p>	<p>[Page 13]</p> <p>Paperwork Reduction Act</p> <p>An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated at 14 hours per response, including the time for reviewing instructions, gathering the required documentation and information, completing the application, preparing statements, attaching necessary documentation, and submitting the application. The collection of biometrics is estimated to require 1 hour and 10 minutes. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Office of Policy and Strategy, Regulatory Coordination Division, 5900 Capital Gateway Drive, Mail Stop #2140, Camp Springs, MD 20588-0009; OMB No. 1615-0072. Do not mail your completed Form I-881 to this address.</p>	<p>[Page 13]</p> <p>Paperwork Reduction Act</p> <p>An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated at 11.817 hours per response, including the time for reviewing instructions, gathering the required documentation and information, completing the application, preparing statements, attaching necessary documentation, and submitting the application. The collection of biometrics is estimated to require 1 hour and 10 minutes. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Office of Policy and Strategy, Regulatory Coordination Division, 5900 Capital Gateway Drive, Mail Stop #2140, Camp Springs, MD 20588-0009; OMB No. 1615-0072. Do not mail your completed Form I-881 to this address.</p>