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DHS Announces Consequences for Unpaid Annual Asylum Fees, Unveils New H.R. 1 Requirements

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The Department of Homeland Security (DHS) is announcing an interim final rule to implement immigration fees and requirements from the H.R. 1 Reconciliation Act of 2025 (One Big Beautiful Bill Act). H.R. 1 created new fees to increase funding for immigration enforcement operations and ensure aliens pay for immigration services.

On July 22, 2025, USCIS published a Federal Register notice implementing a filing fee for [Form I-589, Application for Asylum and for Withholding of Removal](#), and an Annual Asylum Fee (AAF) to be paid each calendar year an asylum application remains pending.

Annual Asylum Fee

In an effort to satisfy the statutory mandate that DHS require payment of the AAF, the interim final rule establishes that if an alien does not pay the AAF within 30 days of notification, USCIS will reject their pending asylum application. If an alien does not have legal status in the U.S., USCIS will also initiate the alien's removal.

If USCIS rejects an alien's asylum application, the following additional consequences apply:

- USCIS will deny any pending [Form I-765, Application for Employment Authorization](#), based on the asylum application; and
- Aliens who were approved to work based on the pending application will lose work authorization immediately.

Additional Updates

This rule also implements additional requirements outlined in H.R. 1:

- Form I-589 filing fee: USCIS will now keep the filing fee for Form I-589 if the agency rejects the form as improperly filed.
- Temporary Protected Status (TPS) employment authorization: USCIS is updating regulations limiting the employment authorization period for those under TPS to one year or the remaining TPS designation period, whichever is shorter.
- [Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Document](#), filing fee: The rule establishes a minimum \$24 fee to file Form I-102, in addition to other required fees.

The [interim final rule](#) is effective May 29, 2026. USCIS will reject any Form I-102 without the proper filing fee if it is postmarked on or after May 29, 2026. Additionally, USCIS will reject pending Form I-589 asylum applications for aliens who fail to pay the AAF effective May 29, 2026. DHS will receive public comments submitted on or before June 29, 2026.