



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

Policy Brief: Six Ways the 2025 Budget Reconciliation Bill Undermines a Functional Immigration System

May 8, 2025

Contact: Greg Chen gchen@aila.org or Amy Grenier agrenier@aila.org

The American Immigration Lawyers Association (AILA) urges Congress to reject the House budget reconciliation bill unless it is amended to remove damaging fees and to include strict oversight over immigration enforcement funding. The current proposal hands the Trump administration a blank check of about \$146.3 billion for mass deportations, without any meaningful protections for due process or transparency, risking widespread abuses and grave errors. This unprecedented expansion of enforcement authority would be funded by deep cuts to Social Security and other critical domestic programs that millions of American workers and families rely on.

This brief focuses on the bill's proposed fees that will undermine the immigration system, erect severe barriers to congressionally enacted legal pathways, and harm American businesses and communities in the process.

- **Functionally blocks many people from lawful immigration pathways created by Congress.** These new fees – some increase costs by greater than ten-fold – add significant and likely insurmountable financial barriers to applying for temporary protected status (TPS), asylum, and humanitarian parole. In addition to the application fees, the bill increases fees for employment authorization (EAD). Over five years, these new fees for these applications amount to over \$6,000 in additional costs for individual immigrants.
 - **The fees are so severe as to contravene Congress's statutory intent and will all-but eliminate TPS, asylum, parole, and green card approvals in court as legitimate legal pathways.** The bill attempts improperly to undo congressionally authorized immigration provisions through the budget reconciliation process.
- **Harms the economy by increasing barriers to lawful employment.** This bill will have severe impacts on the economy: shrinks the available labor pool in industries already facing shortages; disrupts small businesses who depend on immigrants approved to work for consistent staffing; results in a loss of taxable income; and the loss of employment increases the strain on social services in local communities. The bill not only imposes additional fees to file for a work permit, but limits work permits to only six months in many categories, requiring a constant cycle of reapplication and repeated payment of renewal fees, and injecting instability into the businesses that employ them.

- Combined, TPS, pending asylum, and parole-based EAD applications made up **61 percent** of approved EADs in the [first quarter of FY2025](#).
- According to [FWD.us estimates](#), more than a million TPS holders live in the U.S. and **contribute about \$21 billion annually to the U.S. economy**, including \$5.2 billion in taxes.
- **Uses reconciliation to rewrite immigration law and hinder due process.** The bill directly contradicts existing statute by funding and thereby authorizing to DHS to use expedited removal on a larger class of people than allowed under law – those who are *allegedly* inadmissible under criminal or terrorism grounds “regardless of the period” they have been present in the U.S. Such a dramatic expansion of expedite removal constitutes a significant change in authorizing statute and cannot be done through reconciliation.
 - The bill severely erodes due process and accountability. This rewrite of immigration law will allow the administration to funnel anyone *suspected* of terrorism or criminal inadmissibility into expedited removal. The bill would authorize and further expand the government’s power with almost no oversight. The chaos of mass deportations has already been on full display in American communities with arrests, detentions, and deportations occurring in violation of due process, without regard for the law or the Constitution, and contravening court orders.
- **Contributes to government inefficiency and fails to require Congressional oversight.**
 - Many of these new fees are diverted to a “slush” fund in the Department of Treasury that the administration could use for nearly any purpose without guardrails or oversight. They will not go to USCIS or the courts to improve processing or backlog reduction.
 - This bill appropriates \$1.25 billion to hire immigration judges after [arbitrarily firing](#) nearly forty. It [can cost 150%](#) of a government employee’s annual salary to hire a new federal employee.
- **Harms children and separates families experiencing hardship.**
 - The bill imposes absurdly high costs of \$8,500 for a family or guardian to sponsor an unaccompanied child who is in government custody. Far more children will remain unnecessarily in custody for longer periods at U.S. taxpayer expense costing \$10,000 to \$30,000 per month.
 - The bill adds a \$1,500 fee to apply for a legal pathway called “non-LPR cancellation” that is available only to people with a qualifying relative who would experience “exceptional and extremely unusual hardship” if deported. For example, parent facing removal could be granted protection if they are the primary caregiver for a U.S. citizen child with a severe disability receiving treatment at a U.S. hospital.

- **Creates barriers to justice by making appeals prohibitively expensive.** The bill increases hefty fees to file an appeal or motions in immigration court. Filing an appeal to a court decision will increase from \$110 to \$900 and eliminate the discretion of the court to waive the fee. These increases will deny people their fair day in court and result in unfair decisions. The bill effectively closes the courthouse doors to people with limited means.

Additional Resources

[Policy Brief: The Trump Administration's Assault on Immigration Courts](#)

Appendix: Summarizing the Fees in the Budget Reconciliation Bill

What the fee is for	Fee in the Bill	Current Fees	Notes
Asylum	\$1,000, adjusted for inflation every year thereafter.	\$0 to apply; \$0 for initial EAD	<u>Asylum Application Fee</u> \$100 annual fee for every year an asylum application is pending, to be adjusted for inflation every year thereafter. Fees go to the Department of Treasury (DOT). No fee waiver.
	\$550 for EAD.	\$520 for renewal EAD	<i>Initial Application Fee</i> 50% of fees paid for apps at DOJ go to EOIR, rest to DOT
	Limits EADs to 6-month periods, including renewals.	(paper filing) or \$470 (online filing)	50% of fees paid to paid for apps at DHS go to USCIS, rest go to DOT No fee waiver <u>Asylum Initial EAD Fee</u> 25% of fees paid go to USCIS, rest to DOT. 50% of USCIS fees must be used to detect and prevent benefits fraud 75% of fees go to DOT No fee waiver <u>Asylum Renewal EAD Fee</u> Fees go to DOT No fee waiver

What the fee is for	Fee in the Bill	Current Fees	Notes
Parole	<p>\$1,000, adjusted for inflation every year thereafter (if doesn't fall into exception).</p> <p>\$550 for EAD.</p> <p>Limits EADs to 6-month periods, including renewals.</p>	<p>\$0 to apply</p> <p>\$520 for initial and renewal EADs (paper filing) or \$470 (online filing)</p>	<p><u>Parole Fee</u> Fees go to DOT No fee waiver</p> <p><u>Parole Initial EAD Fee</u> Fees go to DOT No fee waiver</p> <p><u>Parole Renewal EAD</u> Fees go to DOT No fee waiver</p>
Temporary Protected Status	<p>\$500.</p> <p>If filed and adjudicated in immigration court, an additional \$500.</p> <p>\$550 for EAD. Limits EADs to 6-month periods, including renewals.</p>	<p>\$50 for initial TPS consideration + \$30 biometrics fee, \$0 TPS re-registration</p> <p>TPS EAD: \$520 (paper filing), \$470 (online filing)</p>	<p><u>TPS Fee</u> Fees go to DOT No fee waiver</p> <p><u>TPS Initial EAD Fee</u> Fees go to DOT No fee waiver</p> <p><u>TPS Renewal EAD Fee</u> Fees go to DOT No fee waiver</p> <p><u>TPS EOIR Fee</u> 25% of fees go to EOIR 75% to DOT</p>

What the fee is for	Fee in the Bill	Current Fees	Notes
Special Immigrant Juvenile	\$500	\$0	Fees go to DOT No fee waiver
Unaccompanied child sponsor	\$8,500 (see note)	\$0	\$3,500, adjusted for inflation every year thereafter. \$5,000 additional sponsor fee (for a total of \$8,500). The \$5,000 fee is reimbursed at end of proceedings of child not ordered removed in absentia. This fee goes to DOT. 25% of fees go to DHHS for background checks for sponsors 75% of fees go to DOT No fee waiver
All non-immigrant visas (NIV)	\$250	\$0	\$250 visa integrity fee on ALL NIVs. May be refunded if the person never sought admission during visa validity period, departs or lawfully changes to another status. Non-refunded fees go to DOT. No fee waiver
I-94	\$24	\$6	20% of fees go to CBP Rest of fees go to DOT No fee waiver.
Diversity Visa Program Registration	\$250	\$0	Currently there is no fee to register for the Diversity Immigrant Visa program. 10% of fees go to DOS to detect and prevent fraud 10% of fees go to ICE for detention, immigration enforcement, and removal operations 80% goes to DOT No fee waiver.

What the fee is for	Fee in the Bill	Current Fees	Notes
Diversity Visa Application	\$400	\$330	10% of fees go to DOS to detect and prevent fraud. 10% of fees go to ICE for detention, immigration enforcement, and removal operations. 80% goes to DOT. No fee waiver.
ESTA	\$23	\$21	
Electronic Visa Update System (EVUS)	\$30	\$8 fee to enroll in EVUS	
EWI	\$5,000	At least \$50 and not more than \$250	Fee will be charged for being apprehended between ports of entry. Fees go to DOT. No waiver.
Immigration Court Continuance	\$100	\$0	Fees go to DOT. Exception for continuance granted based on exceptional circumstances. No fee waiver.
I-485	\$1,500	\$1,440 before USCIS	Fee applies when filing an I-485 that is adjudicated in immigration court On-top of the current fee for USCIS At most 50% of fees go to EOIR The rest goes to DOT No fee waiver No fees can be used for LOP

What the fee is for	Fee in the Bill	Current Fees	Notes
Waiver of Inadmissibility	\$1,050	\$1,050 (generally, exemptions for survivor benefits apply)	Fee for applying for ANY waiver of inadmissibility in immigration court. At most 25% of the fees go to EOIR. The rest goes to DOT. No fee waiver. No fees can be used for LOP
Filing BIA Appeal	\$900	\$110 (fee waiver request available)	Exception for bond appeals. At most 25% of fees go to EOIR. Rest goes to DOT.
Filing an appeal from a decision of an officer of [DHS]	\$900	\$110 (fee waiver request available)	At most 25% of fees go to EOIR Rest goes to DOT No fee waiver No fees can be used for LOP
Filing an appeal from a decision of any adjudicating official in a practitioner disciplinary case	\$1,375	\$675 (fee waiver request available)	At most 25% of fees go to EOIR Rest goes to DOT No fee waiver No fees can be used for LOP
Filing a motion to reopen or reconsider	\$900	\$110 (BIA) \$145 (Immigration Judge)	Exception for a motion to reopen an absentia order for failure to receive notice At most 25% of fees go to EOIR Rest goes to DOT No fee waiver No fees can be used for LOP

What the fee is for	Fee in the Bill	Current Fees	Notes
Filing a suspension of deportation application in immigration court	\$600	\$340 (USCIS) \$165 (immigration court)	At most 25% of fees go to EOIR Rest goes to DOT No fee waiver No fees can be used for LOP
LPR Cancellation Application (42A)	\$600	\$100, plus \$30 biometrics fee	At most 25% of fees go to EOIR Rest goes to DOT No fee waiver No fees can be used for LOP
Non-LPR Cancellation Application (42B)	\$1,500	\$100, plus \$30 biometrics fee	At most 25% of fees go to EOIR Rest goes to DOT No fee waiver No fees can be used for LOP
Being Ordered Removed in Absentia	\$5,000	\$0 for being ordered removed; \$145 to file a motion to reopen (waiver available)	Fee applies if ordered removed in absentia and ICE arrests the person (exception if in absentia order is rescinded) Fees go to DOT No fee waiver