



[Home](#) > [Newsroom](#) > [All News](#) > [Alerts](#) > Court Order on Annual Asylum Fee Notices

Court Order on Annual Asylum Fee Notices

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On Oct. 30, 2025, the United States District Court for the District of Maryland issued an order in *Asylum Seeker Advocacy Project v. United States Citizenship and Immigration Services, et al.*, SAG-25-03299 (D. Md.), temporarily staying the Annual Asylum Fee (AAF) implementation provisions by USCIS as provided in the notice titled “USCIS Immigration Fees Required by HR-1 Reconciliation Bill” and published in the Federal Register ([90 FR 34511 \(FRN\)](#)) on July 22, 2025. USCIS strongly disagrees with the Court’s order but will follow its terms pending possible further judicial review.

The FRN provided information about how DHS would effectuate the mandatory AAF for fiscal year 2025 and subsequent years. It specified that any alien who had a [Form I-589, Application for Asylum and for Withholding of Removal](#), pending during the entire fiscal year 2025 would be subject to the fiscal year 2025 fee. Additionally, aliens with asylum applications filed after Oct. 1, 2024 that remain pending with USCIS for 365 days must pay the AAF as of the one-year anniversary of his or her filing date and each calendar year thereafter that the application remains pending. The FRN also provided that USCIS will directly notify aliens that an AAF is due, when it is due, and how it is paid. The fiscal year 2025 fee is not due until a notice has been sent. It further stated that USCIS will provide guidance for future years’ AAF payments in subsequent issuances. As provided in the FRN, on or around Oct. 1, 2025, USCIS began issuing personal notices to aliens that their AAF was due.

In accordance with the Oct. 30, 2025 order, USCIS has paused the issuance of AAF notices. Any applicant who has received a notice from USCIS instructing him or her to pay the AAF may disregard that notice while the temporary stay is in place. USCIS will not refund previously paid annual asylum fees, and applicants who paid the fee should retain their receipts. USCIS will issue updated instructions on payment of the AAF pending further litigation developments.

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