

# Immigration Attorney Fees: What to Expect

A comprehensive guide from EB5 Attorneys

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Immigration attorney fees fall into three main structures: flat fees for defined case types, hourly billing for open ended or complex matters, and retainer arrangements for ongoing work. Family based cases typically run \$1,500 to \$5,000 in attorney fees; employment cases \$3,000 to \$10,000; removal defense \$5,000 to \$15,000. Government filing fees are always separate and paid directly to USCIS. This guide explains what each structure covers, what is typically excluded, and how to evaluate fee quotes across attorneys.

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## Flat Fee Billing: What Is Included and What Is Not

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Flat fees are the most common billing structure in immigration law for cases with well defined scope. The attorney quotes a total attorney fee for completing specific work, typically a petition package from preparation through filing. Common flat fee case types include marriage based green card applications (Form I 130 plus I 485 adjustment of status package), naturalization (Form N 400), employment authorization renewal (Form I 765), DACA renewal (Forms I 821D and I 765), simple family petitions (Form I 130 only), and O 1 or L 1 visa petitions for employment based cases with straightforward facts. What flat fees typically cover: attorney time for reviewing your documents, drafting the petition and supporting letter, reviewing your responses, preparing the complete filing package, responding to standard USCIS correspondence during normal processing, and attending the visa or adjustment of status interview with you. What flat fees typically exclude: government filing fees paid directly to USCIS (these are separate and significant; see the filing fees section below); translation fees for foreign language documents; medical examination fees; biometrics fees when billed separately; third party costs such as police certificate fees or document authentication costs; and responses to Requests for Evidence (RFEs) if these are billed separately. RFE billing is a significant variable: some attorneys include RFE responses in their flat fee; others charge separately. Ask explicitly. If you receive an RFE after filing, finding out the response costs an additional \$1,500 to \$3,000 is a painful surprise. Flat fees are predictable but may not account for complications. If your case turns out to be more complex than anticipated (criminal history surfaces, documents are questioned, source of funds is complicated), the attorney may need to renegotiate fees or apply additional hourly rates for the excess work.

## Hourly Billing: Rates, Tracking, and Cost Control

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Hourly billing is common for complex matters where the total time required cannot be predicted: deportation defense, appeals to the Board of Immigration Appeals (BIA), federal court litigation, complex employment immigration programs, and cases involving criminal grounds of inadmissibility or removability. Hourly rates in immigration law typically range from \$200 to \$500 per hour in most metropolitan markets, with rates at the high end common in coastal cities and rates at the lower end more typical in smaller markets. Senior partners at large immigration firms may charge \$500 or more per hour. Associates and paralegals typically bill at lower rates (\$100 to \$250 per hour for paralegals, \$200 to \$350 per hour for junior associates at larger firms). Under hourly billing, you pay for every telephone call, every email the attorney reads and responds to, every document review, every research session, and every court appearance. Some attorneys bill in increments of six minutes (one tenth of an hour); others in fifteen or thirty minute increments. The billing increment matters because a two minute phone call billed at a thirty minute minimum costs you fifteen minutes of billed time whether or not fifteen minutes of work occurred. Ask how billing increments work. Request monthly itemized billing statements that describe work performed, time spent, and running totals against any retainer balance. This transparency allows you to evaluate whether billed time is reasonable and whether the work described matches your understanding of what occurred. For ongoing matters, set periodic budget reviews with your attorney so you can track cumulative costs and make informed decisions about how to proceed.

## Retainer Agreements: Structure and Terms

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Retainer agreements establish the terms under which you advance funds to the attorney, which are then held in a client trust account (IOLTA account) and billed against as work is performed. Retainers are required by many attorneys for complex cases or cases where the scope is uncertain. A retainer is not a fixed fee; it is an advance against future billings. The key terms in a retainer agreement include: retainer amount (the upfront payment, typically ranging from \$2,500 to \$10,000 depending on case complexity); billing rate (the hourly or flat fee rates that will be charged against the retainer); replenishment threshold (at what retainer balance you must add more funds); final billing (what happens if the retainer is not fully depleted; many retainers are non refundable if work has commenced, but refundable for unused amounts if the representation ends before all funds are earned); and scope of representation (what specific work is covered under the retainer). Under professional responsibility rules, attorney retainers must be held in a separate client trust account, not commingled with the attorney's operating funds. This protects your money if the attorney goes out of business or is disbarred. You have the right to request an accounting of your trust account at any time. Red flags in retainer agreements include: no written agreement; retainer characterized as non refundable regardless of work performed (this may violate professional responsibility rules in some states); no clear description of what the retainer covers; no provision for returning unused funds. Read the engagement letter carefully before signing and retaining. Have it reviewed by someone you trust if you do not understand any provisions.

## Government Filing Fees: Current USCIS Fee Schedule

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Government filing fees are paid directly to USCIS and are entirely separate from attorney fees. These fees change periodically; USCIS published a final fee rule in 2024 that increased many filing fees effective April 1, 2024. As of April 2026, key filing fees include: Form I 130 (Petition for Alien Relative): \$675 for online filing, \$750 for paper filing; Form I 485 (Application to Register Permanent Residence or Adjust Status): \$1,440 for applicants age 14 and older (including biometrics), \$950 for children under 14 filing with a parent; Form I 765 (Application for Employment Authorization): \$520 for most categories, \$0 when filed concurrently with I 485; Form I 131 (Application for Travel Document): \$630; Form I 751 (Petition to Remove Conditions on Residence): \$750; Form N 400 (Application for Naturalization): \$760 for online filing, \$760 for paper filing; Form I 526E (EB 5 Immigrant Petition by Alien Investor): \$11,160; Form I 829 (Petition by Investor to Remove Conditions): \$9,525; Form I 140 (Immigrant Petition for Alien Workers): \$715; Form I 130A (Supplemental Information for Spouse Beneficiary): \$0 (no separate fee); USCIS Immigrant Fee (paid after visa issuance abroad): \$235. These fees are subject to change. Always verify current fees at [uscis.gov/g 1055](https://uscis.gov/g-1055) before filing. Fee waivers are available for certain categories: USCIS Form I 912 (Request for Fee Waiver) may be filed for applicants receiving means tested public benefits, whose income is at or below 150% of the federal poverty guideline, or who can demonstrate financial hardship. Not all forms are fee waiver eligible; USCIS publishes a list of eligible forms. Fee waivers are discretionary; approval is not guaranteed.

## Cost Ranges by Case Type

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Understanding typical attorney fee ranges by case type helps you calibrate whether quotes you receive are reasonable for your market. Family based immigration attorney fees typically range from \$1,500 to \$5,000 for a complete adjustment of status package (I 130 plus I 485 concurrent filing) for the spouse of a U.S. citizen with no complications. Consular processing cases (I 130 plus NVC processing plus interview preparation) typically run \$1,500 to \$4,000. Cases involving waivers (Form I 601A for unlawful presence, Form I 212 for prior removal) add \$2,000 to \$5,000 to the base cost due to the complexity of waiver preparation and documentation. Employment based immigration attorney fees vary significantly by case type. H 1B petitions for new hires typically range from \$2,500 to \$6,000 in attorney fees. PERM Labor Certification for employment based green cards ranges from \$3,000 to \$8,000. EB 1A extraordinary ability petitions, which are evidence intensive, often run \$5,000 to \$15,000. EB 5 investor visa cases typically run \$10,000 to \$25,000 or more due to the complexity of source of funds documentation, business plan review, and ongoing petition management. Removal defense and deportation cases are highly variable because they depend on court complexity, number of hearings, and appellate proceedings. Simple removal cases with strong defenses may be resolved for \$5,000 to \$8,000 in attorney fees. Complex cases involving multiple grounds of removal, criminal history, or BIA appeals can easily exceed \$15,000 to \$25,000. Asylum representation typically ranges from \$5,000 to \$12,000 for representation through an asylum office interview or immigration court hearing, with higher fees for BIA appeals or federal court litigation. Naturalization (N 400) is among the simplest cases for attorneys and typically runs \$500 to \$1,500 in attorney fees for standard cases. Cases with criminal history or prior immigration violations are more complex and command higher fees.

## Payment Plans and Financing Options

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Many immigration attorneys offer payment plans for clients who cannot pay the full fee upfront. Payment plans are more common in family immigration and asylum cases where clients may have limited access to capital. Typical payment plan structures: a deposit of 30 to 50 percent at engagement, with the balance paid in monthly installments over three to six months; interest free payment plans are common at smaller firms and solo practices; larger firms may work with third party financing companies. If you are offered a payment plan, confirm in writing: total amount owed, payment schedule and amounts, what happens if a payment is late, and whether work will pause if payments fall behind. Payment plans require planning on both sides. Be realistic about your ability to make payments. Missing payments can disrupt your case at critical times. Some attorneys will not begin work until a minimum deposit is received. Legal aid organizations and nonprofit law clinics provide free or sliding scale services based on income. If you qualify for legal aid, this is often the best option because the quality of representation at well resourced legal aid organizations can be excellent. USCIS fee waivers (Form I 912) reduce or eliminate government filing fees for qualifying applicants. Attorney fee waivers are separate: some nonprofit organizations provide services at reduced fees regardless of USCIS fee waiver eligibility.

## Handling Disputes About Fees

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Fee disputes between clients and attorneys are more common than either party would prefer. Knowing your rights helps you address them effectively. You are entitled to a written engagement letter or retainer agreement that describes the scope of representation and fee terms. If you did not receive one, request it in writing now. You are entitled to an accounting of funds held in trust on request. Your attorney must respond to a written request for an accounting of your trust account within a reasonable time. Most states have fee dispute resolution programs administered by the state bar association. These programs provide a neutral forum for resolving disagreements about whether fees charged are reasonable, whether the attorney performed work billed, or whether a refund is owed. State bar fee arbitration is typically faster and less expensive than litigation and is often binding on both parties. If you believe fees charged are unreasonable, gather documentation: your engagement letter, billing statements, any communications about fee changes, and records of what work was performed. Present this documentation to the bar's fee arbitration program. If the fee dispute is large, or if you believe the attorney committed malpractice in addition to overbilling, consult a legal malpractice attorney. Malpractice claims require proving not only that fees were excessive but that the attorney's conduct fell below the standard of care and caused you harm. This is a higher bar than a fee dispute, but it may be appropriate in serious cases.

## Getting a Refund When Representation Ends Early

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Clients have the right to terminate an attorney at any time. Attorneys may withdraw from representation for cause (nonpayment, client misconduct, conflict of interest) with court approval if litigation is pending. When representation ends early, the question of fee refunds depends on the fee structure. For flat fee arrangements, refund rights depend on how much work was performed and whether the fee was characterized as earned on receipt or earned as work progresses. State professional responsibility rules generally prohibit non refundable fees unless the attorney can demonstrate the fee was reasonable for work actually performed. If you paid a flat fee and the attorney performed minimal work before you terminated the relationship, you may be entitled to a substantial refund. For hourly or retainer arrangements, you are entitled to a refund of any trust funds not yet earned through billed work. The attorney must provide a final accounting showing hours billed and amounts owed, with any excess trust funds returned promptly. File transfer obligations: your attorney must return your original documents, copies of all filed petitions, all USCIS correspondence, and your case file materials. Attorneys may retain copies for their own records. Some attorneys charge a file transfer fee, which may be reasonable for the cost of copying and organizing materials, but cannot be used to withhold your documents as a pressure tactic. If an attorney withholds your file pending payment of disputed fees, this may constitute an ethical violation in many states. Report the conduct to the state bar and seek assistance from bar counsel.

# Frequently Asked Questions

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## 1. Are government filing fees included in attorney fee quotes?

Almost never. Attorney fees and USCIS government filing fees are always separate. Attorney fee quotes cover the attorney's time and work. USCIS filing fees are paid directly to the government when you file. For a marriage based green card adjustment, USCIS filing fees alone are approximately \$2,110 (I 130 at \$675 plus I 485 at \$1,440, with the I 765 and I 131 fees often covered in the I 485 package fee). Always ask your attorney to provide a total cost estimate that separately lists attorney fees, USCIS filing fees, and any other anticipated costs.

## 2. What is a reasonable attorney fee for a marriage based green card?

For a straightforward marriage based adjustment of status (U.S. citizen sponsoring a spouse who entered legally and has no criminal history or prior violations), attorney fees typically range from \$1,500 to \$4,000. Cases involving complications such as prior unlawful presence, criminal history, prior visa denials, or waiver requirements will cost more, often \$3,000 to \$8,000 or higher depending on complexity. Geographic location also affects rates; attorneys in major metropolitan areas typically charge more than those in smaller markets.

## 3. Can I get a fee waiver for USCIS filing fees?

Yes, for eligible cases. USCIS Form I 912 (Request for Fee Waiver) can be filed alongside applications where fee waivers are permitted. Fee waivers are available to applicants who receive means tested public benefits, whose household income is at or below 150% of the federal poverty guideline, or who can demonstrate financial hardship. Not all form types are eligible for fee waivers; USCIS publishes a list of eligible forms. Fee waivers are discretionary and approval is not guaranteed. Attorney fees are separate and are not covered by USCIS fee waivers.

## 4. What should I do if I think my attorney is overcharging me?

First, request a detailed itemized billing statement and compare it against your engagement letter's description of scope and rates. If you believe charges are unreasonable, raise the concern directly with the attorney in writing. If the dispute is not resolved, contact your state bar association's fee arbitration program. Most state bars offer fee dispute resolution services that are faster and less expensive than litigation. Document all communications, billing statements, and work performed when presenting your case.

## 5. Is it normal to pay a retainer before the attorney starts work?

Yes, retainers are standard practice, particularly for complex cases. The retainer is held in a client trust account and billed against as work is performed. You should receive a written retainer agreement before paying, clearly describing the fee structure, scope of work, billing rates, and refund terms for unused funds. An attorney who asks for a large cash payment without a written agreement or who does not hold funds in a trust account is operating outside professional norms.

## 6. What does removal defense typically cost?

Removal defense attorney fees typically range from \$5,000 to \$15,000 for cases resolved at the immigration court level, with higher fees for cases requiring BIA appeals or federal court litigation. Cases with multiple grounds of removal, complex criminal history, or prior removal orders are at the higher end of the range. Immigration court representation is inherently unpredictable in scope because hearings can be continued, new issues can arise, and the government may file new charges. An experienced removal defense attorney will give you a realistic estimate based on your specific facts but cannot quote a fixed fee with certainty.

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**Disclaimer:** This guide is provided for general informational purposes only and does not constitute legal advice. Every immigration case is unique. Consult a qualified immigration attorney for advice specific to your circumstances.

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