

Rules and Regulations

Federal Register

Vol. 91, No. 161

Friday, August 21, 2026

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review

8 CFR Part 1103

[Docket No. EOIR–26–AB42; Dir. Order No. 09–2026]

RIN 1125–AB42

Inflation Adjustment for EOIR OBBBA Fees; Fiscal Year 2027

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice (“Department”) is making inflationary adjustments to immigration-related fees for filings with the Executive Office for Immigration Review (“EOIR”) as required by the One Big Beautiful Bill Act for Fiscal Year (“FY”) 2027.

DATES: This rule is effective October 1, 2026.

FOR FURTHER INFORMATION CONTACT: Jamee E. Comans, Assistant Director, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg

Pike, Suite 2500, Falls Church, Virginia 22041, telephone (703) 305–0289 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

I. Background

On July 4, 2025, a congressional budget reconciliation bill (H.R. 1), commonly referred to as the One Big Beautiful Bill Act (“OBBBA”), became law. Public Law 119–21, 139 Stat. 72. As relevant here, OBBBA introduced new required immigration-related fees for EOIR applications, motions, and appeals beginning in FY 2025 (“OBBBA fees”) and mandated that the Attorney General annually update these OBBBA fees for inflation. *See* 8 U.S.C. 1802, 1808, 1812. This rule updates the relevant EOIR regulatory fee schedules to adjust the OBBBA fees for inflation for FY 2027 in accordance with OBBBA’s mandate.

In doing so, the Department notes that this rule does not change any fee amounts collected under section 286(m) of the Immigration and Nationality Act (“INA” or “Act”), 8 U.S.C. 1356(m), nor does this rule make any changes to fee exceptions or waivers. Additionally, EOIR’s regulatory fee schedule does not contain fee amounts for application forms published by the Department of Homeland Security (“DHS”), though those fees that are collected by EOIR will be updated on EOIR’s website and the EOIR Payment Portal. *See* 8 CFR 1103.7(d)(4)(ii) (“The fees for applications published by the Department of Homeland Security and

used in immigration proceedings are governed by 8 CFR 103.7 and 8 CFR part 106.”).

II. Basis for Adjustment

OBBBA requires that all EOIR-collected OBBBA fees be adjusted annually for inflation and directs that a specific adjustment formula be applied to each fee. *See* 8 U.S.C. 1802, 1808, 1812. For all OBBBA fees, the inflation-adjusted amount is calculated by adding: (1) the amount of the OBBBA fee required for the most recently concluded fiscal year to (2) the product resulting from multiplying the OBBBA fee required for the most recently concluded fiscal year by the percentage (if any) by which the Consumer Price Index for All Urban Consumers (“CPI–U”) for the month of July (in this case July 2026), preceding the date on which such adjustment takes effect, exceeds the CPI–U for the same month of the preceding calendar year (in this case July 2025), either rounded down to the nearest multiple of \$10, *see* 8 U.S.C. 1802(c), 1812(a)(2)(B), or, for the Annual Asylum Fee (“AAF”), rounded down to the nearest dollar. *See* 8 U.S.C. 1808(b)(2). The CPI–U percent change for calculating FY 2027 OBBBA fees is 3.4 percent.¹

The table below shows the total FY 2027 EOIR fee amounts by calculating the FY 2027 OBBBA fees using the formula described above, and then adding these updated OBBBA fee amounts to the preexisting EOIR fees under section 286(m) of the Act.

Immigration fee type	FY 2026 OBBBA fee	Inflation adjustment (rounded)	FY 2027 OBBBA fee	EOIR 286(m) fee	Updated FY 2027 EOIR total fees except any biometrics fees
Form EOIR–26, Notice of Appeal from a Decision of an Immigration Judge	\$920	\$30	\$950	\$110	\$1,060
Form EOIR–29, Notice of Appeal to the Board of Immigration Appeals from a Decision of a DHS Officer	920	30	950	110	1,060
Form EOIR–45, Notice of Appeal from a Decision of an Adjudicating Official in a Practitioner Disciplinary Case ..	1,355	40	1,395	675	2,070
Motions to reopen or reconsider a decision of an Immigration Judge	920	30	950	145	1,095
Motions to reopen or reconsider a decision of the Board of Immigration Appeals	920	30	950	110	1,060

¹ *See* U.S. Bureau of Labor Statistics, *Economic News Release, Consumer Price Index—July 2026*

(Aug. 12, 2026), <https://www.bls.gov/news.release/cpi.nr0.htm> [https://perma.cc/97AW-798N].

Immigration fee type	FY 2026 OBBBA fee	Inflation adjustment (rounded)	FY 2027 OBBBA fee	EOIR 286(m) fee	Updated FY 2027 EOIR total fees except any biometrics fees
Motion to reopen a decision of an Immigration Judge or the Board of Immigration Appeals that is based exclusively on an application for relief that does not require a fee	920	30	950	0	950
Motion to reconsider a decision of an Immigration Judge or the Board of Immigration Appeals that is based exclusively on a prior application for relief that did not require a fee	920	30	950	0	950
Form EOIR-40, Application for Suspension of Deportation	610	20	630	100	730
Form EOIR-42A, Application for Cancellation of Removal for Certain Permanent Residents	610	20	630	100	730
Form EOIR-42B, Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents	1,540	50	1,590	100	1,690

III. Effective Date and Implementation

The FY 2027 filing fee amounts will be required for any relevant filings with the Immigration Courts or the Board of Immigration Appeals filed on or after October 1, 2026 (the first day of FY 2027). EOIR will continue to reject any filings that are not accompanied by a proper filing fee or request for an applicable fee waiver.

EOIR will update these amounts annually as required, including on its website and the EOIR Payment Portal. *See, e.g., EOIR, Types of Appeals, Motions, and Required Fees* (Feb. 18, 2026), <https://www.justice.gov/eoir/types-appeals-motions-and-required-fees> [<https://perma.cc/Q6CM-HKWN>]; EOIR, *EOIR Forms* (May 4, 2026), <https://www.justice.gov/eoir/eoir-forms> [<https://perma.cc/CD9M-7FLK>]; EOIR, *EOIR Payment Portal* (June 22, 2026), <https://epay.eoir.justice.gov/index> [<https://perma.cc/LF3L-VACV>].

IV. Statutory and Regulatory Requirements

A. Administrative Procedure Act

Under the Administrative Procedure Act (“APA”), agencies generally must provide “notice of proposed rule making” in the **Federal Register** and, after such notice, “give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments.” 5 U.S.C. 553(b)–(c). The APA further provides that the required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except in certain circumstances. *Id.* 553(d).

However, pursuant to the APA, a rule is excepted from notice-and-comment procedures when an agency for good cause finds that such procedures are impracticable, unnecessary, or contrary

to the public interest. 5 U.S.C. 553(b)(B). A rule is also excepted from the delayed-effective-date requirement when good cause is found by the agency to forgo this requirement and is published with the rule. *Id.* 553(d)(3); *Riverbend Farms, Inc. v. Madigan*, 958 F.2d 1479, 1485 (9th Cir. 1992) (differentiating the APA’s two “good cause” exceptions: 5 U.S.C. 553(b)(B), which applies to the notice and comment process, and 5 U.S.C. 553(d)(3), which applies to the delayed effective date).

As discussed above, OBBBA requires the Attorney General to annually update EOIR-collected OBBBA fees for inflation using a statutorily prescribed formula. *See* 8 U.S.C. 1802, 1808, 1812. Therefore, the notice-and-comment and delayed-effective-date requirements are unnecessary because the Department is bound to comply with OBBBA’s inflation adjustment requirements and, thus, the changes made by this rule are purely ministerial. *See, e.g., Metzenbaum v. FERC*, 675 F.2d 1282, 1291 (D.C. Cir. 1982) (explaining notice and comment was unnecessary under the APA good cause exception for “nondiscretionary acts” as it would be a “futile gesture”).

B. Regulatory Flexibility Act

This rule does not trigger the requirements of the Regulatory Flexibility Act because, as explained above, the Department is not required “to publish a general notice of proposed rulemaking” prior to issuing this rule. *See* 5 U.S.C. 604(a).

C. Executive Order 12866 (Regulatory Planning and Review) and Executive Order 13563 (Improving Regulation and Regulatory Review)

Executive Order 12866, *Regulatory Planning and Review*, 58 FR 51735

(Sept. 30, 1993), and Executive Order 13563, *Improving Regulation and Regulatory Review*, 76 FR 3821 (Jan. 18, 2011), each direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects, distributive impacts, and equity). Executive Order 13563 further emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

The Department has determined that this rule is not a “significant regulatory action” under section 3(f) of Executive Order 12866 and, therefore, it has not been reviewed by the Office of Management and Budget. Nevertheless, the Department certifies that this regulation has been drafted in accordance with the principles laid out in Executive Orders 12866 and 13563.

This rule merely updates pertinent EOIR fee amounts to be consistent with the fee changes required by statute. Accordingly, any changes made by this rule do not impose a cost upon the public beyond the terms of the statute. Likewise, these regulatory changes provide clarity, which benefits the public and helps avoid confusion over the current fee amounts. Thus, the changes made by this rule do not impact the public in a way that would place it in tension with the principles set forth in Executive Orders 12866 or 13563.

D. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

This rule is not a regulatory action under Executive Order 14192, *Unleashing Prosperity Through Deregulation*, 90 FR 9065 (Jan. 31, 2025), because it is being issued with

respect to an immigration-related function of the United States.

E. Executive Order 14294 (Overcriminalization of Federal Regulations)

Executive Order 14294, *Overcriminalization of Federal Regulations*, 90 FR 20363 (May 9, 2025), requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This rule does not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

F. Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more (inflation adjusted) in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995, Public Law 104–4, 109 Stat. 48 (codified at 2 U.S.C. 1501–1571).

G. Executive Order 13132 (Federalism)

This rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, *Federalism*, 64 FR 43255 (Aug. 4, 1999), the Department has determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

H. Executive Order 12988 (Civil Justice Reform)

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, *Civil Justice Reform*, 61 FR 4729 (Feb. 5, 1996).

I. Paperwork Reduction Act

This rule does not propose new or revised “collection[s] of information” as that term is defined under the Paperwork Reduction Act of 1995, Public Law 104–13, 109 Stat. 163 (codified at 44 U.S.C. 3501–3521), and its implementing regulations, 5 CFR part 1320. However, the Department notes that EOIR is separately making de minimis changes to EOIR forms to update the fee amounts on the forms in

light of the inflation adjustments required by OBBBA.

J. Congressional Review Act

This rule is not a major rule as defined by section 804 of the Congressional Review Act. 5 U.S.C. 804.

List of Subjects in 8 CFR Part 1103

Administrative practice and procedure, Authority delegations (Government agencies), Reporting and recordkeeping requirements.

Accordingly, for the reasons set forth in the preamble, and by the authority vested in the Acting Director, Executive Office for Immigration Review, by Attorney General Order Number 6260–2025, the Department amends part 1103 of title 8 of the U.S. Code of Federal Regulations as follows:

PART 1103—APPEALS, RECORDS, AND FEES

■ 1. The authority citation for part 1103 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1304, 1356, 1801, 1802, 1808, 1812; 31 U.S.C. 9701; 28 U.S.C. 509, 510.

■ 2. Amend § 1103.7 by revising table 1 to paragraph (b)(1), table 2 to paragraph (b)(2), and table 3 to paragraph (b)(4)(i), to read as follows:

* * * * *

(b) * * *

(1) * * *

TABLE 1 TO PARAGRAPH (b)(1)

Immigration fee type	Current EOIR (section 286(m) of the Immigration and Nationality Act) fee	Current One Big Beautiful Bill Act (OBBBA) fee	Current EOIR total fees except any biometrics fees
Form EOIR–26, Notice of Appeal from a Decision of an Immigration Judge	\$110	\$950	\$1,060
Form EOIR–29, Notice of Appeal to the Board of Immigration Appeals from a Decision of a DHS Officer	110	950	1,060
Form EOIR–45, Notice of Appeal from a Decision of an Adjudicating Official in a Practitioner Disciplinary Case	675	1,395	2,070

(2) * * *

TABLE 2 TO PARAGRAPH (b)(2)

Immigration fee type	Current EOIR (286(m)) fee	Current OBBBA fee	Current EOIR total fees except any biometrics fees
Motion to reopen or reconsider a decision of an <i>Immigration Judge</i>	\$145	\$950	\$1,095
Motion to reopen or reconsider a decision of the <i>Board of Immigration Appeals</i>	110	950	1,060
Motion to reopen a decision of an <i>Immigration Judge</i> or the <i>Board of Immigration Appeals</i> that is based exclusively on an application for relief that does not require a fee	0	950	950

TABLE 2 TO PARAGRAPH (b)(2)—Continued

Immigration fee type	Current EOIR (286(m)) fee	Current OBBBA fee	Current EOIR total fees except any biometrics fees
Motion to reconsider a decision of an <i>Immigration Judge or the Board of Immigration Appeals</i> that is based exclusively on a prior application for relief that did not require a fee ..	0	950	950

* * * * *

(4) * * *

(i) * * *

TABLE 3 TO PARAGRAPH (b)(4)(i)

Immigration fee type	Current EOIR (286(m)) fee	Current OBBBA fee	Current EOIR total fees except any biometrics fees
Form EOIR–40, Application for Suspension of Deportation	\$100	\$630	\$730
Form EOIR–42A, Application for Cancellation of Removal for Certain Permanent Residents	100	630	730
Form EOIR–42B, Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents	100	1,590	1,690

Sirce E. Owen,
*Acting Director, Executive Office for
Immigration Review, Department of Justice.*
[FR Doc. 2026–17146 Filed 8–20–26; 8:45 am]
BILLING CODE 4410–30–P

**NUCLEAR REGULATORY
COMMISSION**

10 CFR Part 51

**Environmental Protection Regulations
for Domestic Licensing and Related
Regulatory Functions**

CFR Correction

This rule is being published by the Office of the Federal Register to correct an editorial or technical error that appeared in the most recent annual revision of the Code of Federal Regulations.

■ In Title 10 of the Code of Federal Regulations, Parts 51 to 199, revised as of January 1, 2026, in section 51.53, in the introductory paragraph of (c)(3) remove the words “an initial renewed license and holding an operating license, construction permit, or combined license as of June 30, 1995” and add in their place the words “a license renewal covered by Table B–1 for a nuclear power plant for which an operating license, construction permit, or combined license was issued as of June 30, 1995”.

[FR Doc. 2026–17145 Filed 8–20–26; 8:45 am]
BILLING CODE 0099–10–D

DEPARTMENT OF COMMERCE

**National Institute of Standards and
Technology**

15 CFR Part 265

[Docket No. 260804–0183]

RIN 0693–AB75

**Traffic and Conduct on the Grounds of
Certain National Institute of Standards
and Technology Sites**

AGENCY: National Institute of Standards and Technology (NIST), Department of Commerce (Department).

ACTION: Final rule.

SUMMARY: By this rule, NIST amends its regulations governing traffic and conduct at its sites in Gaithersburg, Maryland, and Boulder and Fort Collins, Colorado. This rule amends those regulations by removing excessive and redundant restrictions on personal conduct, updating or removing sections with outdated references or requirements, and broadening an exception regarding the use of service dogs. This action is necessary to ensure that NIST’s regulations conform to the scope of the underlying statutory authorities and to reduce regulatory complexity, redundancy, and burden. This action is intended to promote statutory conformity, administrative efficiency, and accessibility for people with disabilities, without imposing any new obligations or costs on the public.

DATES: The rule is effective August 21, 2026.

FOR FURTHER INFORMATION CONTACT: Daniel Sweeney, Deputy General Counsel for Economic, Statistical, and Regulatory Affairs, Office of the General Counsel, at (202) 482–1395.

SUPPLEMENTARY INFORMATION:

I. Background

This action amends NIST’s regulations at 15 CFR part 265, which govern traffic and conduct on the grounds of NIST’s sites in Gaithersburg, Maryland, and Boulder and Fort Collins, Colorado. The regulations at part 265 were initially promulgated on November 26, 1974 (39 FR 41170), and they were subsequently amended on November 24, 1976 (41 FR 51787), September 18, 1990 (55 FR 38316), and, most recently, December 27, 1991 (56 FR 66969).

The cited statutory authorities for these regulations are 15 U.S.C. 278e(b) and 15 U.S.C. 277. The former authorizes the Secretary of Commerce to undertake “the care, maintenance, protection, repair, and alteration of [NIST] buildings and other plant facilities, equipment, and property,” 15 U.S.C. 278e(b); and the latter states that the Secretary “shall . . . make regulations . . . as he may deem necessary for carrying this chapter into effect,” 15 U.S.C. 277. As relevant, the more specific of these two provisions, 15 U.S.C. 278e(b), centers around the physical preservation of NIST’s buildings and other property.