

[Alerts and Updates]

Premium Processing of Certain I-140 Petitions to Resume on June 29, 2009

June 25, 2009

On June 22, 2009, the U.S. Citizenship and Immigration Services (USCIS) announced that it will resume Premium Processing Service for certain I-140 petitions, starting on June 29, 2009. This decision was made after a positive evaluation by the agency of its backlog-reduction efforts and increased adjudicative efficiencies for this type of application. Current processing times for I-140 petitions range from four to 24 months, depending on the category and service center.

Premium processing was first instituted for I-140 petitions in July 2006, but was later suspended in July 2007, due to the anticipated surge of I-140 petitions filed as a result of the availability of visas in all employment categories at that time. Since then, employers, advocates and I-140 beneficiaries have sought the return of this efficient and successful service.

Under the Premium Processing Service, USCIS guarantees petitioners that for a \$1,000 processing fee (in addition to the regular I-140 filing fee of \$475), it will take initial action on an I-140 petition within 15 calendar days of receipt. This initial action could be an approval, a denial or a request for additional evidence. It also guarantees that within 15 calendar days of receipt of the petitioner's response to a request for more evidence, USCIS will render a decision on the application. If the petition is not initially processed within 15 calendar days, USCIS will refund the \$1,000 fee and continue to process the request as part of the Premium Processing Service.

Eligible I-140 Petitions

The following categories of Form I-140, Immigrant Petition for Alien Worker, are eligible for premium processing:

- EB-1, Extraordinary Ability
- EB-1, Outstanding Professors or Researchers
- EB-2, Advance Degree Professionals (non-National Interest Waiver (NIW))
- EB-2, Exceptional Ability (non-NIW)
- EB-3, Professionals and Skilled Workers
- EB-3, Other Workers (less than two years' education, training or experience)

Petitions in the EB-1 category for multinational managers and executives as well as those applications in EB-2 requesting an NIW are not eligible for premium processing.

Conversion of Existing I-140 Petitions

Under the program for premium processing applications, it is possible to convert a regularly filed I-140 petition that is currently pending with a USCIS service center to a premium processing application. This is accomplished by submitting the \$1,000 fee and the premium processing form, along with copies of the previously submitted application and receipt notice. Upon receipt, USCIS will transfer the I-140 petition to the premium processing unit.

Benefits of Premium Processing

- Significant reduction in I-140 processing time
- Access to a dedicated phone number and email address at the service center to check application status and to make inquiries
- Speeds portability of I-140 petition when concurrently filed I-485 applications have been pending for more than 180 days
- Eliminates one-year H-1B extensions for those applicants in backlogged preferences who have reached their six-year limit, instead permitting three-year H-1B visa extensions

For Further Information

If you have any questions about this Alert or would like more information, please contact one of the [attorneys](#) in our [Immigration Law Practice Group](#) or the attorney in the firm with whom you are regularly in contact.