

# Mobility: immigration alert

July 2022

## United States

### USCIS to implement second phase of premium processing expansion for certain pending multinational manager/executive and national interest waiver petitions

#### Executive summary

On 15 July 2022, U.S. Citizenship and Immigration Services (USCIS) announced that it will implement the second phase of the premium processing expansion for certain previously filed I-140 petitions in the multinational manager and executive (EB-1C) as well as the EB-2 National Interest Waiver (NIW) categories.

Beginning 1 August 2022, EB-1C petitions pending since 1 July 2021 (or earlier) and NIW petitions pending since 1 August 2021 (or earlier) will be eligible for an upgrade to premium processing.

#### Background and analysis

On 29 March 2022, USCIS announced several initiatives to increase efficiencies in adjudications as well as reduce backlogs created by protracted case processing times. These initiatives included expanding the case types eligible for the premium processing service, including additional classifications of immigrant visa petitions filed via the Form I-140. The first phase of the premium processing expansion for EB-1C and NIW petitions was implemented on 1 June.

The filing fee to upgrade a pending EB-1C or NIW I-140 to premium processing is \$2,500, the same fee that applies to other classifications of I-140s that are already eligible for premium processing. USCIS will reject any premium processing requests submitted prior to 1 August 2022 in connection with the newly eligible subset of petitions.

USCIS will adjudicate (issue an approval, request for evidence, notice of intent to deny, or denial) EB-1C and NIW petitions within 45 days of receiving a request to upgrade the pending I-140 petition to premium processing. Newly (initial) filed EB-1C and NIW I-140 petitions continue to be ineligible for premium processing at this time.

#### What this means

The continued expansion of premium processing is welcome news for the beneficiaries of these I-140 petitions and their sponsoring employers given that many of these cases have been languishing for many months or even years, preventing thousands of foreign nationals from achieving permanent residence in the United States.

USCIS expects to continue expanding premium processing services for additional categories of Form I-140 petitions, as well as Form I-539, *Applications to Extend/Change Nonimmigrant Status*, and Form I-765, *Applications for Employment Authorization*, in Fiscal Year 2022 and Fiscal Year 2023.

However, USCIS has stated that the expansion of premium processing must not cause an increase in processing times for immigration benefit requests filed under regular processing. The timeline for continued expansion will therefore be contingent upon the agency's ability to properly allocate its resources and create efficiencies that will enable the timely management of its existing caseload as well as newly filed cases.



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We will continue to monitor these areas for further developments and provide updates and analysis as they become available. Please reach out to your EY Law professional with any questions in the meantime.

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