

Mobility: immigration alert

September 2022

United States

USCIS Enters the Next Phase of Expanding Premium Processing for Previously Filed EB-1 and EB-2 National Interest Waiver I-140 Petitions

Executive summary

U.S. Citizenship and Immigration Services (USCIS) has announced the next phase in its expansion of premium processing for certain I-140 immigrant visa petitions.

As of 15 September 2022, USCIS has begun accepting requests to upgrade multinational manager and executive (EB-1C) I-140 petitions to premium processing. Only petitions that were received by USCIS on or before 1 January 2022 will be eligible. USCIS will also now accept upgrade requests for EB-2 National Interest Waiver (NIW) I-140 petitions pending since 1 February 2022 (or earlier).

Background and analysis

In March 2022, USCIS announced new initiatives to increase efficiencies in the adjudication process and reduce case backlogs caused by protracted case processing times, which included expanding the availability of premium processing to new I-140 case types.

As with other forms, premium processing for EB-1C and NIW I-140 petitions can be requested by paying a filing fee of \$2,500 and submitting Form I-907, Request for Premium Processing Service, to the USCIS service center where the petition is pending. Premium processing guarantees a response from USCIS – which may be an approval, denial, request for evidence, or notice of intent to deny – within 45 days of the agency's receipt of the upgrade request.

Finally, the announcement from USCIS affirmed the agency's commitment to continuing its expansion of premium processing to I-140, I-539, and I-765 petitions and applications. At the same time, USCIS must also adhere to the legislative requirement that such expansion not result in an increase in processing times for other immigration benefit requests.

What this means

This next step in the expansion of premium processing is another welcome development for foreign nationals in the green card EB-1C and NIW categories, as well as their sponsoring employers. As USCIS backlogs and related case processing times have reached unprecedented heights the last few years, the option to premium process has become a popular solution for these stakeholders seeking to finally complete the permanent residence process.

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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