



USCIS Announces New Effort to Speed Case Processing and Eliminate Backlogs

Insights

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Federal immigration officials just announced concrete measures to reduce the massive backlog of petitions and applications currently pending at the agency's National Service Centers. The March 29 announcement from U.S. Citizenship and Immigration Services (USCIS) is welcome news for employers eager to bolster their workforces and introduce some certainty during a turbulent time and a workforce shortage crisis. What do you need to know about this development – and what should you do as a result?

Background

Amidst the COVID-19 pandemic and related reduction in capacity and resources, USCIS experienced significant delays in processing requests for immigration benefits. With its recent announcement, the agency has committed to increasing the effectiveness of its workforce and technology, and to improve case turnaround by establishing new internal cycle time goals. USCIS will also expand its staff with additional case workers in an attempt to realistically meet new target goals.

Premium Processing Expansion

Aside from increased capacity, increased staff, and better case tracking, USCIS has announced measures to expand the agency's special expedited case processing service – called "Premium Processing" – by making it available to a broader range of case types.

Premium Processing allows a petitioner or applicant to pay an additional government filing fee, presently \$2,500, to request that USCIS adjudicate a filing within 15 calendar days from its receipt. This is a very useful, albeit expensive option, as "normal" case processing times are extremely lengthy — more than a year — for some case types.

To date, Premium Processing has been limited to a few, specific categories of nonimmigrant employment categories, such as H-1B, and certain categories of employment-based Immigrant Petitions. USCIS now plans to expand Premium Processing service to include applications for dependent family members, applications to extend or change nonimmigrant status in nonimmigrant categories that are not work-related, and, perhaps most notably, applications for Employment Authorization Documents (EAD). The premium processing fee for EADs is expected to be \$1500, with a 30-day processing timeframe for newly eligible applicants. Immigrant Petitions for Multinational

Executives and Managers, as well as EB-2 National Interest Waiver petitions, are also being considered. The premium processing fees for Multinational Executives and Managers and EB-2 petitions is expected to be \$2500 with a 45-day processing timeframe.

In 2020, Congress had previously passed an appropriations bill intended to widen the availability of Premium Processing to case types previously ineligible for this service. Since that time, however, USCIS has taken no action to put this law into practice. The recent announcement provides some hope, as USCIS has articulated a clear, phased approach to have expedited case processing available for additional filing types by the end of Fiscal Year 2022.

What Should You Do?

In the weeks or months ahead, USCIS hopefully will announce definitive dates when Premium Processing services will become available to the newly eligible categories of immigration filings. Fisher Phillips will continue to monitor developments and provide additional guidance as it becomes available. Employers should otherwise monitor pending cases already filed with USCIS in preparation for a potential upgrade to Premium Processing service once this becomes possible.

We'll monitor this situation and provide updates as warranted, so make sure you are subscribed to [Fisher Phillips' Insight system](#) to get the most up-to-date information. If you have further questions, contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in our [Immigration Practice Group](#).

Related People



Brian J. Coughlin

Partner

617.532.5892

Email





Connie Yang
Partner
407.541.0854
Email

Service Focus

Immigration