

Insights, News & Events

IMMIGRATION OFFICIALS EXPAND PREMIUM PROCESSING TO ADDITIONAL PETITIONS: WHAT EMPLOYERS NEED TO KNOW

Insights
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Companies sponsoring certain foreign national workers may now be able to take advantage of an additional way to receive premium processing of petitions to support their immigration goals. Last month, U.S. Citizenship and Immigration Services (USCIS) announced it would expand its premium processing services to cover applicants seeking a change or extension of status using Form I-539. If you are going to file or have a pending I-539 application requesting a change of status to F-1, F-2, M-1, M-2, J-1, or J-2, and would like to upgrade it to premium processing, you can now do so – what do employers need to know?

Premium Processing in a Nutshell

Since the start of the COVID-19 pandemic, processing delays have plagued the USCIS and frustrated many employers and foreign nationals applying for and extending their visas. At its peak in January 2022, the USCIS had a backlog of over 5 million cases. Starting last year, however, federal immigration officials announced several initiatives to increase efficiency and ease the backlog. One of the more intriguing initiatives: premium processing.

Premium processing is an additional service that provides expedited processing for certain USCIS

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petitions, after filing an additional USCIS form and paying the premium processing fee of \$2,500.

Last year, USCIS rolled out premium processing requests for pending multinational executive/manager I-140 petitions. It announced then that it would expand the service to additional areas – and that has now come to pass with this latest effort.

Latest Initiative

USCIS has started accepting premium processing request (filed online or on the paper form I-907) for applicants with a **pending I-539** or premium processing requests **filed concurrently** with an I-539 requesting a **change of status** to one of the following nonimmigrant statuses: F-1, F-2, M-1, M-2, J-1, or J-2.

Note that premium processing is only available for applications requesting a change of status. If biometrics is required to process the application, the biometrics must be submitted before premium processing can begin (for all applicants and co-applicants).

What Should You Do?

If this service could be of benefit to your organization, you will need to complete and file Form I-907 with the appropriate filing fee (\$2,500 as of the date this alert is published). If your application is pending and you filed your I-539 online, you must also submit the I-907 online. Similarly, if you mailed a paper I-539 to USCIS, you must submit a paper I-907 to request premium processing.

Once USCIS acknowledges receipt, usually in the form of an email sent to the email address provided on Form I-907, the agency will take action on the application within 30 calendar days after the applicant (and co-applicant, if applicable) have submitted biometrics. Taking action on the application includes issuance of a decision, request for evidence, or other notice issued on the application. If USCIS fails to take action on the

case within 30 calendar days, it will refund the premium processing fee.

This may be a good time for companies to review their business immigration portfolios and see if this offers an opportunity to take advantage of the premium processing expansion for their employees or family members. We suggest you coordinate with your FP immigration attorney to determine your options.

Conclusion

We will continue to monitor developments and provide additional guidance as warranted. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. If you have any questions, please contact your Fisher Phillips attorney, the author of this Insight, or any attorney in our [Immigration Practice Group](#).