

Expansion of Premium Processing for Certain Previously Filed EB-1 and EB-2 I-140 Petitions Continues

We previously alerted our readership in May 2022 that the United States Citizenship and Immigration Services (USCIS) was implementing premium processing for certain I-140 petitions in the EB-1 and EB-2 categories. The availability of premium processing for previously filed I-140 petitions referred only to EB-1 multinational executive and manager I-140 petitions and EB-2 petitions filed for advanced degree professionals or exceptional ability petitions seeking a national interest waiver.

The first phase of the program allowed petitioners to upgrade previously filed I-140 petitions in the EB-1 category for multinational managers and executives, which were filed with USCIS prior to January 1, 2021, to premium processing.

The second phase of this new program was implemented on July 1, 2022, and allows petitioners to file I-907 premium processing requests for I-140 petitions filed prior to March 1, 2021, in the EB-1 category for multinational managers and executives or I-140 petitions filed prior to June 1, 2021, in the EB-2 category for members of the professions holding an advanced degree or exceptional ability petitions seeking a national interest waiver (NIW).

Unlike the standard filing of premium processing requests, USCIS has 45 days to adjudicate cases requesting premium processing for these newly included Form I-140 classifications.

As USCIS continues to expand premium processing to additional form types in fiscal year 2022, we can look forward to filing premium processing for additional Form I-140 petitions, as well as the I-539 Application to Extend/Change Nonimmigrant Status and the I-765 Application for Employment Authorization.

Should you have any questions about premium processing, please feel free to reach out to any of our immigration attorneys.



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