

TYPES NOT MAPPED YET April 11, 2022 | TTR not mapped yet | Fatima G. Khan, Layla F. Husen

USCIS expands premium processing services on certain backlogged immigration cases

On March 29, 2022 the United States Citizenship and Immigration Services (“USCIS”) announced an expansion of the premium processing rules that allow employers to pay an additional filing fee in order to expedite the processing of certain immigration petitions. The new rule aims to reduce agency-wide backlogs and to provide timely access to employment authorization documents. The Department of Homeland Security (“DHS”) published the final regulation on March 30, 2022. Historically, premium processing was only available for certain nonimmigrant petitions (Form I-129) and limited employment-based immigrant visa petitions (Form I-140) by submitting Form I-907, Request for Premium Processing Service.

The new expanded regulations will now be available for additional Form I-140 classifications, including the employment-based categories for EB-1 multinational executives and managers and EB-2 professionals with advance degrees or exceptional ability seeking a national interest waiver (NIW). Additionally, premium processing will become available for Form I-539 applicants seeking a change of status to F-1/F-2, J-1/J-2 or M-1/M-2 nonimmigrant classification, or a change of status to or extension of stay in E-1, E-2, E-3, H-4, L-2, O-3, P-4 or R-2 nonimmigrant classification. Premium processing will also become available for Form I-765 applicants. However, actual implementation will be phased in over a period of several years. Once the premium processing expansion is implemented, the applicable processing timeframes and filing fees will be as follows:

Eligibility Classification	Processing Timeframe	Filing Fee/Implementation
Form I-129 Petitions for Nonimmigrant Workers; Form I-140 Immigrant Petitions for Alien Workers (most EB-1, EB-2 and EB-3 categories)	15 calendar days	\$2,500.00 (currently available)
Form I-140 Immigrant Petitions for Alien Workers (EB-1 multinational manager and EB-2 NIW categories)	45 calendar days	\$2,500.00 (anticipated in FY 2022)
Form I-539 Application to Change Nonimmigrant Status (F-1/F-2, J-1/J-2 or M-1/M-2)	30 calendar days	\$1,750.00 (anticipated in FY 2022)
Form I-539 Application to Change or Extend Nonimmigrant Status (E-1, E-2, E-3, H-4, L-2, O-3, P-4 or R-2)	30 calendar days	\$1,750.00 (anticipated in FY 2025)
Form I-765 Applications for Employment Authorization (F-1/J-1; and other non-specified group of applicants)	30 calendar days	\$1,500 (anticipated FY 2022, additional groups FY 2025)

Until the USCIS announces the specific details surrounding the expanded premium processing classifications, only the currently available Form I-129 and Form I-140 petitions remain eligible. The USCIS is expected to make



announcements on the agency's website as each new classification becomes eligible, including related processing conditions that may be placed on particular case types.

Thompson Coburn's immigration team will continue to closely monitor the expansion of premium processing services and is available to assist clients with filing for premium processing on new and pending petitions and applications as part of our immigration services offered to U.S. employers.

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