



EMAIL BULLETIN

## **U.S. CITIZENSHIP & IMMIGRATION SERVICES (CIS) EXPANDS THE CIS PREMIUM PROCESSING PROGRAM**

### **Program to Include Most Categories of I-140 Immigrant Visa Petitions**

*26 September 2006*

U.S. Citizenship & Immigration Services (CIS) has expanded the CIS Premium Processing Program to include many categories of Immigrant Visa Petitions. Previously available only to certain Nonimmigrant Visa Petitions, the Program offers a more rapid, 15-day service. For an additional \$1,000 Premium Processing Filing Fee, the CIS guarantees action on the petition within 15 days of receipt of the fee and request for premium processing. Action on a petition may include approval, denial, or a Request for Additional Evidence.

Beginning August 28, 2006, the CIS expanded the Premium Processing Program to include certain I-140 Immigrant Visa Petitions filed under the Employment-Based, Third Preference (EB-3) immigrant visa category for skilled workers and professionals wherein the position generally requires a two-year or four-year degree, or equivalent training or work experience. Prior to filing a petition under the EB-3 category, an employer must have obtained U.S. Department of Labor (DOL) certification of an Application for Permanent Employment Certification.

Beginning September 25, 2006, the CIS further expanded the Premium Processing Program to include additional categories of Immigrant Visa Petitions. The CIS will now accept premium processing requests for the following additional Immigrant Visa Petitions:

- Immigrant Visa Petitions for the Employment-Based, First Preference category for Outstanding Researchers or Professors (EB-1B) (*excludes* EB-1A Petitions for Aliens of Extraordinary Ability)
- Immigrant Visa Petitions for the Employment-Based, Second Preference (EB-2) category *not seeking a National Interest Waiver* of the labor certification requirement
- Immigrant Visa Petitions for the Employment-Based, Third Preference (EB-3) category for workers requiring less than two years of training or experience

While the expansion of the CIS Premium Processing Program will enable employers and foreign national beneficiaries to obtain action on Immigrant Visa Petitions more rapidly, the Premium Processing Program will not impact the length of time it takes for the average foreign national beneficiary to obtain permanent residency. Applications to Adjust Status, generally the third step in the employment-based permanent residency process, are not covered under the Premium Processing Program. Further, Applicants must still await availability of a visa number under the annual quota system before filing Applications to Adjust Status (“green card” applications) under this third and final step in the permanent residency process.

The Premium Processing Program expansion is expected to be of the most concrete benefit to individuals in H-1B status who are approaching the six-year limit on their H-1B eligibility. H-1B nonimmigrants who have an approved Immigrant Visa Petition are eligible to obtain a three-year extension of their H-1B status, without regard to whether the Immigrant Visa Petition was filed based on a long-pending Application for Permanent Employment Certification.

**If your company would like to request premium processing of one or more petitions, either currently under review or soon to be filed with the CIS, please notify your Tindall & Foster immigration attorney. Your Tindall & Foster immigration attorney will provide you with additional details concerning the Program requirements and payment of the additional CIS Premium Processing Filing Fee associated with this service.**