



Wednesday, June 11, 2008

**U.S. CITIZENSHIP & IMMIGRATION SERVICES (CIS) CONSIDERS  
REINSTITUTING PREMIUM PROCESSING (“15-DAY”) ADJUDICATION  
SERVICE FOR CERTAIN I-140 IMMIGRANT VISA PETITIONS**

According to a recent report from the American Immigration Lawyers Association (AILA), U.S. Citizenship & Immigration Services (CIS) is considering the reinstatement of premium processing adjudication service for certain I-140 Immigrant Visa Petitions. With a request for premium processing, which requires an additional \$1,000 CIS government filing fee, the CIS guarantees action on the petition within 15 calendar days.

Reportedly the CIS is considering the possibility of reinstating the premium processing service for I-140 Immigrant Visa Petitions filed on behalf of H-1B nonimmigrants who are approaching the end of their H-1B nonimmigrant eligibility and would require an approved I-140 Immigrant Visa Petition in order to seek an additional three-year extension of H-1B status pursuant to the American Competitiveness in the Twenty-first Century Act (AC-21). While the vast majority of I-140 beneficiaries would not likely fall into this category, the resumption of premium processing for petitions filed on behalf of such beneficiaries would facilitate continued employment authorization and maintenance of H-1B status for those who would otherwise face a gap in employment authorization and lawful status in the United States.

Because the CIS has not issued a formal announcement of CIS intent, and has not yet reinstated the premium processing service for I-140 Immigrant Visa Petitions, it is not possible to file a request for premium processing for such petitions at this time. Petitioners and beneficiaries are encouraged to proceed as planned with anticipated filings and not to wait for the resumption of premium processing service in order to file. Once a petition is pending, should the petition meet the requirements for premium processing, it will be possible to request an “upgrade” to premium processing at a later date.

Tindall & Foster will continue to monitor developments in connection with the extension of the CIS premium processing adjudication service and will make future updates available via the [Tindall & Foster web site](#) and in future Email Bulletins.