



Office of Communications

U.S. Citizenship
and Immigration
Services

USCIS Update

May 17, 2007

USCIS TERMINATES PREMIUM PROCESSING SERVICE FOR FORM I-140 PETITIONS REQUESTING LABOR CERTIFICATION SUBSTITUTION

WASHINGTON – United States Citizenship and Immigration Services (USCIS) announced today that beginning on Friday, May 18, 2007, it will terminate Premium Processing Service for Form I-140 petitions that request labor certification substitution in accordance with 8 CFR 103.2(f)(2). USCIS anticipates a substantial increase in the number of petitioning employers that will file Form I-140 petitions requesting Premium Processing Service and seeking labor certification substitution prior to July 16, 2007. The volume of such petitions filed requesting Premium Process Service is expected to exceed USCIS' capacity to provide the Premium Process Service according to the program guidelines.

The Department of Labor (DOL) amended its administrative regulations at 20 CFR part 656 through a final rule, *Labor Certification for the Permanent Employment of Aliens in the United States; Reducing the Incentives and Opportunities for Fraud and Abuse and Enhancing Program Integrity*, published in the *Federal Register* on May 17, 2007, which will take effect on July 16, 2007. The DOL final rule will eliminate the practice of substituting alien beneficiaries on approved labor certifications filed with USCIS in support of Form I-140 petitions. Amended 20 CFR 656.11 will mandate that the information contained in a labor certification application may not be modified after the labor certification application is filed with DOL. This includes the substitution of alien names on the labor certification. Beginning on July 16, 2007, USCIS will no longer accept Form I-140 petitions that are supported by labor certifications that were approved by DOL for an alien other than the alien beneficiary named on the labor certification application.

Premium Processing Service guarantees that within 15 calendar days of receipt of a petition, USCIS will issue either an approval notice, a notice of intent to deny, a request for evidence or open an investigation for fraud or misrepresentation. Due to the volume of Form I-140 petitions that request labor certification substitution that USCIS anticipates will be filed prior to July 16, 2007 (the date upon which labor certification substitution will no longer be available to Form I-140 petitioning employers), USCIS can not reasonably ensure this level of processing service for Form I-140 petitions that request labor certification substitution within 15 calendar days.

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