



USCIS Update

June 11, 2008

USCIS to Offer Premium Processing For Certain Form I-140 Petitions

Service Begins June 16, 2008

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) announced today that on June 16, 2008, it will begin accepting Premium Processing Service requests for Forms I-140 (Immigrant Petition for Alien Worker) filed on behalf of certain alien workers who are nearing the end of their sixth year in H-1B nonimmigrant status.

[Premium Processing](#) Service offers 15 calendar-day processing for designated employment-based petitions and applications upon request. There is a nonrefundable fee of \$1000 for this service. During the 15-day period, USCIS will issue either an approval or denial notice, a notice of intent to deny, a request for evidence, or open an investigation for fraud or misrepresentation. USCIS previously designated certain classifications under Form I-140 for Premium Processing Service in the May 23, 2006 issue of the Federal Register. *See* 71 FR 29662.

USCIS is limiting Premium Processing Service for Form I-140 petitions that are filed on behalf of aliens:

- Who are currently in an H-1B nonimmigrant status;
- Whose sixth year will end within 60 days;
- Who are only eligible for a further extension of H-1B nonimmigrant status under section 104(c) of the American Competitiveness in the Twenty-first Century Act of 2000 (AC21); and
- Who are ineligible to extend their H-1B status under section 106(a) of AC21.

Section 104(c) of AC21 permits applicants to extend their stay in H-1B nonimmigrant status in increments of up to three years, provided they are the beneficiary of an approved Form I-140 and an immigrant visa is not immediately available. Section 106(a) of AC21 permits applicants to extend their stay in H-1B nonimmigrant status in increments of up to one year, provided the Form I-140 petition or underlying labor certification has been pending for at least 365 days.

For more details on Premium Processing Service for the Form I-140 petitions described in this announcement, visit the USCIS web site at

http://www.uscis.gov/files/article/premiumproc_factsheet_i140_061108.pdf.

More information on Premium Processing Service in general can be found on the USCIS web site at www.uscis.gov, or by calling the USCIS National Customer Service Center at (800) 375-5283.