



FACT SHEET

June 1, 2001

Premium Processing Service

Background

What is Premium Processing Service?

Premium Processing Service allows U.S. businesses to pay a \$1,000 fee in exchange for the 15-calendar day processing of their petitions and applications. INS guarantees that within 15 days INS will issue either an approval notice, a notice of intent to deny, a request for evidence or a notice of investigation for fraud or misrepresentation. If the INS fails to process the petition within 15 days, it will refund the \$1,000 to the company and continue to process the petition as part of the Premium Processing Service. In addition to expedited processing, companies who participate in the program may use a dedicated phone number and e-mail address to check on the status of their petition or ask any other questions they may have concerning their petition.

Where does INS get the authority for this program?

In December 2000, legislation was passed and signed that authorized the Attorney General to collect a \$1,000 "premium processing" fee. Under this legislation, the authority to collect this fee applies only to employment-based petitions and applications.

Applying for Premium Processing

How do I apply?

Beginning June 1, 2001, businesses may request Premium Processing by filing a completed Form I-907 (Request for Premium Processing Service) and paying the \$1,000 fee. The \$1,000 fee must be paid with a separate check or money order; it cannot be combined with the regular petition fee. Form I-907 (Request for Premium Processing Service) can be downloaded from the INS Web site, www.ins.gov, or can be obtained by calling the INS forms line, 1-800-870-3767 or the INS National Customer Service Center, 1-800-375-5283.

What petitions and applications are part of the Premium Processing Service?

At this time, INS has designated only the Form I-129, (Petition for Nonimmigrant Worker), for Premium Processing. Classifications within the Form I-129 eligible for Premium Processing are:

- E-1 Treaty Trader;
- E-2 Treaty Investor;
- H-2A Agricultural Worker
- H-2B Temporary Worker
- H-3 Trainee
- L-1 Intra-company Transferees
- O-1 and O-2 Aliens of Extraordinary Ability or Achievement
- P-1, P-2 and P-3 Athletes and Entertainers; and
- Q-1 International Cultural Exchange Aliens.

On July 30, 2001, INS will add the following categories to the Premium Processing program:

- H-1B Temporary Workers in Specialty Occupations;
- R-1 Temporary Workers in Religious Occupations; and
- TN NAFTA Professionals.

INS will continue to review the program and assess its ability to incorporate other employment -based petitions and applications into the program.

Is Premium Processing the Only Way to Receive Expedited Processing?

No. INS will continue its existing policy and procedures for requesting expeditious processing of petitions and applications that are not designated for Premium Processing. The existing procedures allow for expedited processing based upon the following five criteria:

- Severe financial loss to a company or individual,
- Extreme emergent situation,
- Humanitarian situation,
- Department of Defense or national interest situation, or
- INS error.

In addition, INS will accept requests for expedited processing under existing rules from non-profit organizations on all applications and petitions.