



# USCIS Update

Feb. 24, 2009

## Premium Processing Service Expanded for Certain Form I-140 Petitions

**WASHINGTON**—U.S. Citizenship and Immigration Services (USCIS) will expand Premium Processing Service for designated Forms I-140 ([Immigrant Petition for Alien Worker](#)) to include alien beneficiaries who have reached, or are reaching, their limitation of stay in H-1B nonimmigrant status. Currently, only certain alien beneficiaries who are in H-1B nonimmigrant status at the time of filing may request premium processing for Form I-140.

Beginning March 2, 2009, USCIS will accept Form I-907 ([Request for Premium Processing Service](#)) for alien worker petitions filed on behalf of alien beneficiaries who, as of the date of filing the Form I-907:

- Are the beneficiary of a Form I-140 petition filed in a preference category that has been designated for premium processing service;
- Have reached the sixth-year statutory limitation of their H-1B stay, or will reach the end of their sixth year of H-1B stay within 60 days of filing;
- Are only eligible for a further H-1B extension under section 104(c) of the American Competitiveness in the Twenty-first Century Act of 2000 (AC21); and
- 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.

Premium Processing offers 15 calendar day-processing for designated employment-based petitions and applications upon request. There is a nonrefundable fee of \$1,000 for this service. During the 15-day period, USCIS will issue an approval or denial notice, a notice of intent to deny, a request for evidence, or open an investigation for fraud or misrepresentation.

More details on premium processing for Form I-140 petitions are available in a [Fact Sheet](#)

For more information on USCIS and its programs, visit [www.uscis.gov](http://www.uscis.gov) or contact the USCIS National Customer Service Center at (800) 375-5283.