

USCIS to Implement Premium Processing for Certain Previously Filed Form I-140 Petitions

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On May 24, 2022, U.S. Citizenship and Immigration Services (USCIS) announced that it would begin implementing premium processing for certain petitioners who have a pending Form I-140 under the EB-1 and EB-2 classifications.

As explained in our [previous alert](#), USCIS had announced that it will expand its premium processing service to include additional immigration benefit case types, pursuant to a final rule issued by the Department of Homeland Security (DHS). The rule is intended to implement the Emergency Stopgap USCIS Stabilization Act passed by Congress and is part of USCIS's efforts to reduce existing backlogs and provide needed relief to Employment Authorization Document (EAD) cardholders.

While the rule will become effective on May 31, 2022, it will be implemented in a phased approach over a three-year period. USCIS has now begun implementing these changes to premium processing, starting with certain Form I-140 classifications: EB-1C (classification as a multinational executive or manager) and EB-2 (classification as a member of professions with advanced degrees or exceptional ability seeking a national interest waiver (NIW)).

This expansion will occur in the following phases:

- Beginning June 1, 2022, USCIS will accept premium processing requests for EB-1C multinational executive and manager petitions received on or before January 1, 2021.
- Beginning July 1, 2022, USCIS will accept premium processing requests for EB-2 NIW petitions received on or before June 1, 2021, and EB-1C multinational executive and manager petitions received on or before March 1, 2021.

USCIS will only accept premium processing requests for currently pending cases based on their date of filing, as noted above. USCIS is not accepting new Form I-140 petitions in these categories with a premium processing request at this time. We anticipate that USCIS will expand premium processing requests for more recently filed EB-1 and EB-2 petitions in the future.

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