



GMS Flash Alert

Immigration Edition

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United States - USCIS Resumes Premium Processing Service in Phases

The U.S. Citizenship and Immigration Services (USCIS) announced on May 29, 2020, the agency will resume premium processing service (i.e. expedited government review) for certain employment-based visa petitions in a phased approach.¹ By way of background, on March 20, 2020 USCIS had announced the temporary suspension of premium processing for all Forms I-129, *Petition for Nonimmigrant Worker*, and I-140, *Immigrant Petition for Alien Workers*;² applications due to the coronavirus (COVID-19). (For prior coverage, see GMS [Flash Alert 2020-128](#), March 30 2020.)

WHY THIS MATTERS

Employers should consider using the USCIS premium processing service to expedite adjudication for eligible employment-based visa petitions requiring notice of urgent approval. This would include visa petitions submitted on behalf of foreign national workers who face the possibility of losing work authorization due to lengthy USCIS adjudication times.

Background

Premium processing is an optional service offered by the USCIS that allows for expedited processing of certain employment-based visa petitions.

The USCIS guarantees a 15 calendar-day processing time to those petitioners or applicants who submit a Form I-907, Request for Premium Processing Service and remit the government filing fee of \$1,440. Under this expedited service, the USCIS must either approve, deny, or issue a request for evidence (RFE) on the application within the 15-day window of receiving the premium processing request.

Premium Processing Timeline for Certain Petitions

The USCIS announced that premium processing would be offered in phases over the month of June 2020 as follows:

- Effective June 1, 2020, USCIS will accept Form I-907, Request for Premium Processing Service for all eligible Form I-140 petitions.
- Effective June 8, USCIS will accept premium processing requests for:
 - H-1B petitions filed before June 8 that are pending and are cap-exempt such as for petitions filed by cap-exempt employers and petitions filed for beneficiaries previously counted toward the numerical allocations.
 - All other Form I-129 petitions filed before June 8 that are pending for nonimmigrant classifications other than H-1B vis and also eligible for premium processing. This includes petitions filed on behalf of beneficiaries seeking L, TN, O, P, Q, and R visa classifications.
- Effective June 15, USCIS plans on resuming premium processing for:
 - H-1B petitions requesting premium processing to be filed concurrently with their Form I-129 (or request for a petition filed on or after June 8) and are exempt from the cap because:
 - The employer is cap-exempt or because the beneficiary will be employed at a qualifying cap-exempt institution, entity or organization (such as an institution of higher education, a nonprofit research organization or a governmental research organization); or
 - The beneficiary is cap-exempt based on a Conrad/IGA waiver under INA section 214(l).
- Effective June 22, USCIS plans on resuming premium processing for all other Form I-129 petitions, including:
 - All H-1B cap-subject petitions (including those for fiscal year 2021) for both premium processing upgrades and Form I-907s filed concurrently with the Form I-129. This includes petitions files requesting a change of status from F-1 nonimmigrant status.
 - All other Form I-129 petitions for nonimmigrant classifications eligible for premium processing and requesting premium processing concurrently with the Form I-129.

USCIS has stated all dates above are subject to change as USCIS continues to take on more premium processing requests.

KPMG LAW LLP NOTE

KPMG Law LLP will notify the public should USCIS announce any changes to the above timeline for the resumption of premium processing service.

KPMG Law LLP in Canada will continue to monitor the situation, and will endeavor to keep GMS Flash Alert readers informed as developments occur.

FOOTNOTES:

1 To read USCIS's May 29, 2020 news release on the resumption of Premium Processing, [click here](#).

2 To read USCIS's March 20, 2020 news release on the temporary suspension of Premium Processing, [click here](#).

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Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or the following professional with the KPMG International member firm in Canada:



Chelsea Hsieh

**Senior Manager, Senior Attorney,
U.S. Immigration**

KPMG Law LLP – Tax + Immigration, Canada

Tel. + 1-416-943-7874

chelseahsieh@kpmg.ca

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