



GMS Flash Alert

Immigration Edition

2020-430 | October 19, 2020

United States - USCIS Increases Premium Processing Fee

On October 16, 2020, the U.S. Citizenship and Immigration Services (USCIS) announced the agency is increasing the premium processing fee for certain eligible applications for immigration benefits from \$1,440 to \$2,500 effective Monday, October 19, 2020. The increase in the premium processing fee will impact all eligible filings except those from employers requesting H-2B (Temporary Non-Agricultural Worker) or R-1 (Religious Worker) nonimmigrant status.

The premium processing fee for employers requesting H-2B or R-1 nonimmigrant status is increasing from \$1,440 to \$1,500.

WHY THIS MATTERS

Employers typically consider using the USCIS premium processing service to expedite adjudication for eligible employment-based visa petitions requiring notice of urgent approval. Without the request for premium processing, the USCIS could take several months to review and process an application for work authorization and visa benefits.

The recently announced increase in the premium processing filing fee could hinder employers, especially small- and mid-size firms, from seeking expedited adjudication for their visa filings particularly at a time when most employers are seeking to cut costs. This could lead to an uptick in foreign national workers facing the possibility of losing work authorization if faced with lengthy USCIS adjudication times, as the substantial increase in the premium processing fee could make requests for expedited adjudication prohibitive.

Background on USCIS' Premium Processing Service

Premium processing is an optional service offered by the USCIS that allows for expedited processing of certain employment-based visa petitions. Under this service, the USCIS guarantees a 15-calendar-day processing time to petitioners or applicants who submit a Form I-907, *Request for Premium Processing Service*, and remit the corresponding government filing fee. 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.

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In accordance with new legislation signed by U.S. President Donald Trump on September 30, 2020, temporarily funding the U.S. government until December 11, 2020, USCIS was granted authority to establish and collect additional premium processing fees, and to use those additional funds for expanded agency purposes. (For prior coverage on the agency's anticipated expansion of the premium processing service, see [GMS Flash Alert 2020-421](#), October 5, 2020.)

Any Form I-907 postmarked on or after October 19, 2020, must include the new fee amount for the corresponding visa classification requested. The USCIS will reject any Form I-907 the agency receives postmarked on or after October 19, 2020 with the incorrect filing fee.

The new legislation also provides authority to the USCIS to extend the premium processing timeline from 15 calendar days to 15 business days, thus allowing USCIS an additional one week within which to act on a filed petition, as well as to permanently expand premium processing service to include many other immigration applications and petitions previously ineligible for expedited adjudication.

To date, the USCIS has yet to announce when these additional updates to the premium processing program will become effective.

KPMG NOTE

We Will Monitor the Situation and Keep Readers Informed

KPMG Law LLP in Canada will be carefully monitoring any guidance provided by USCIS regarding the proposed changes to USCIS' premium processing service. We will endeavor to keep readers of *GMS Flash Alert* posted on any important developments as and when they occur.

FOOTNOTE:

1 See USCIS's announcement on the premium processing fee increase [here](#).

You Are Invited to an October 21 Webcast!

There is a GMS TaxWatch webcast scheduled for October 21, 2020 from 11:00 a.m. – 12:00 p.m. (EDT, UTC -4). This webcast will focus on European legislative updates and the global mobility considerations for companies outside the European Union. You can obtain additional information and register for the webcast (and access the replay when it becomes available) from the [webcast landing page](#).

Also, please join us at **our 2020 KPMG Global Mobility Forum virtually!** The online registration for the 2020 KPMG Global Mobility Forum is open! Join us online at the "Virtual KPMG International Airport." Pre-boarding is available from October 19 and your journey will begin on October 27. Please [register](#) (we recommend you use Google Chrome, Mozilla Firefox or Microsoft Edge web browsers for an optimal online experience). We look forward to connecting with you. Details are available [here](#).

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:



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