

USCIS to Offer Expedited Processing for Additional Process Types



By [Elizabeth M. Klarin](#)

March 29, 2022 | **IMMIGRATION**

U.S. Citizenship and Immigration Services [today announced](#) that it plans to expand its [Premium Processing](#) option for expediting certain types of applications and petitions filed with the agency, using a phased approach over the coming 21 months.

With processing times for most application and petition types taking [many months or even years](#), the agency has a long history of neglecting the urgency of filings submitted by immigrant and nonimmigrant workers, their employers and their families living in the U.S.—including applications for work authorization for eligible individuals, applications to extend or change status, and immigrant petitions for certain workers.

USCIS ostensibly has a plan to catch up with these extensive backlogs in filed cases, by finally acting on the

Emergency Stopgap USCIS Stabilization Act proposed under the prior presidential administration. [Immigration advocacy groups](#) have continually pressed USCIS to implement the legislation since it was introduced to Congress in August 2020, with little traction until now.

Immigrant workers who may soon be able to request premium processing of their cases include:

- i. [EB-1](#) (first preference) multinational executives and managers; and
- ii. [EB-2](#) (second preference) immigrant classification as a member of professions with advanced degrees or exceptional ability seeking a national interest waiver.

USCIS has also specifically referenced a Premium Processing option for I-765 work authorization applications and I-539 applications to extend or change status from within the U.S.—two application types for which processing times have become untenable over the last several years.

While we find this welcome news, it remains to be seen how quickly or effectively USCIS will implement these options.

In addition, while not mentioned in the public announcement, we note that the open door to premium processing for additional category types could result in an increase in the already staggering cost of premium processing—currently \$2,500 per application or petition—which many applicants and petitioners feel forced to pay in order to obtain timely processing of their benefit request. An increase in the premium processing fee is authorized under the Emergency Stopgap USCIS Stabilization Act. As [noted in the bill](#) and [overview posted on the government website](#) of the U.S. Congress, “DHS may, subject to requirements, biennially adjust premium fees to reflect inflation without following certain rulemaking requirements.”

We will post additional updates as they become available regarding the availability of premium processing for additional application and petition types, so check back often.

Related Team



Elizabeth M. Klarin
Partner



**Nisha V. Fontaine
(Jagtiani)**
Partner



Eileen M. Martin
Partner | Team Co-
Leader - Immigration
| Team Leader -
Canada-U.S. Cross
Border



Andrew M. Wilson
Partner | Chief
Advisory Officer |
Team Co-Leader -
Immigration

Disclaimer: *The information in this post is provided for general informational purposes only, and may not reflect the current law in your jurisdiction. No information contained in this post should be construed as legal advice from our firm or the individual author, nor is it intended to be a substitute for legal counsel on any subject matter. No reader of this post should act or refrain from acting on the basis of any information included in, or accessible through, this post without seeking the appropriate legal or other professional advice on the particular facts and circumstances at issue from a lawyer licensed in the recipient's state, country or other appropriate licensing jurisdiction.*