



# GMS Flash Alert

## Immigration Edition

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# United States – USCIS Announces Next Phase of Premium Processing Expansions

On January 12, 2023, the United States Citizenship and Immigration Services (USCIS) announced its final phase of premium processing expansion for Form I-140, *Immigrant Petition for Alien Workers* for EB-1 and EB-2 classifications.<sup>1</sup> This phase applies to initial petitions as well as previously filed Form I-140 petitions under the E13 and E21 classifications.

## WHY THIS MATTERS

In line with previous announcements, USCIS has been experiencing lengthy delays in processing various application types for immigration benefits in the past few years. The expansion of the premium processing program aims to increase efficiency and reduce visa processing backlogs. (For related coverage, see [GMS Flash Alert 2022-073](#), April 1, 2022).

## Expanded USCIS Premium Processing Program

Under the USCIS' announcement, petitioners who choose to request premium processing should do so by filing Form I-907, *Request for Premium Processing Service*. Starting on January 30, 2023, the USCIS will accept Form I-907 for:

- all previously filed E13 multinational executive and manager petitions (EB-1C) and E21 National Interest Waiver (NIW) petitions (EB-2 NIW); and
- all new (initial) E13 multinational executive and manager petitions (EB-1C) and E21 NIW (EB-2 NIW) petitions.<sup>2</sup>

The USCIS also clarified that in March and April 2023, certain F-1 students seeking Optional Practical Training (OPT) and F-1 students seeking STEM OPT extensions who have a pending Form I-765, *Application for Employment Authorization* will benefit from the next phase of premium processing expansions. Further clarification on this announcement will come from the agency in February 2023.<sup>3</sup>

Additionally, the USCIS stated that it is continuing to work on expanding the premium processing availability to Form I-539, *Application to Extend/Change Nonimmigrant Status* for certain students and exchange visitors with pending Form I-539 in May 2023 and initial Form I-539 filings in June 2023.<sup>4</sup>

In an effort to relieve concerns about the processing times for petitions that currently do not qualify for the premium processing benefit, the agency communicated that it would adhere to the legislative requirement that the premium processing expansion not result in an increase in regular processing time for non-qualifying premium processing petitions.<sup>5</sup>

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## KPMG INSIGHTS

Premium processing can be a boon for employers and individuals who need to accelerate acquiring their visa approval for entry into the United States.

If individuals have questions regarding their premium processing eligibility and what kinds of supporting documentation are required to support the application, they should contact their qualified immigration counsel or a member of the Immigration group with KPMG Law LLP in Canada (see the below Contact Us section).

KPMG Law LLP in Canada is tracking this matter closely. We will endeavor to keep readers of *GMS Flash Alert* posted on any important developments as and when they occur.

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## FOOTNOTES:

1 See U.S. Citizenship and Immigration Services, [“USCIS Announces Final Phase of Premium Processing Expansion for EB-1 and EB-2 Form I-140 Petitions and Future Expansion for F-1 Students Seeking OPT and Certain Student and Exchange Visitors”](#) (January 12, 2023).

2 *Id.*

3 *Id.*

4 *Id.*

5 *Id.*

\* \* \* \*

## Contact us

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



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*\* Please note the KPMG International member firm in the United States does not provide immigration or labor law services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.*

**The information contained in this newsletter was submitted by the KPMG International member firm in Canada.**

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