



# GMS Flash Alert

## Immigration Edition

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# United States – USCIS Expands Premium Processing for F, M, and J Applicants

The United States Citizenship and Immigration Services (USCIS) announced on June 12, 2023, its premium processing expansion for applicants who are seeking to change into F, M, or J status.<sup>1</sup> The expansion will happen in phases as previously reported by the agency.

## WHY THIS MATTERS

Given the delays that USCIS has been experiencing in processing applications for immigration benefits in the past few years, the expansion of premium processing eligibility for individuals seeking to change into F, M, or J status is welcomed news for employers and individuals who need to accelerate acquiring the appropriate nonimmigrant status to allow them to timely begin employment or educational or training programs in the United States.

The expansion of premium processing requests aligns with USCIS' previous announcements of the phased approach to increase efficiency and relieve the agency's backlogs. (For related coverage, see [GMS Flash Alert 2023-010](#), January 17, 2023).

## Premium Processing for F, M, and J Applicants – Phased Approach

Per the USCIS' announcement, petitioners who choose to request premium processing should do so by filing Form I-907, *Request for Premium Processing Service*. The USCIS will accept Form I-907 in the following phases:<sup>2</sup>

- Starting on June 13, 2023: Form I-907 is being accepted (via paper form or online) for individuals with a pending Form I-539, Application to Extend/Change Nonimmigrant Status, seeking to change status to F-1, F-2, M-1, M-2, J-1, or J-2 status; and

- Starting on June 26, 2023: Form I-907 is being accepted (via paper form or online) for individuals who file it jointly with Form I-539, Application to Extend/Change Nonimmigrant Status, seeking to change status to F-1, F-2, M-1, M-2, J-1, or J-2 status.

Under the USCIS' current policy, the agency has 30 days to take action on applications to change status to F-1, F-2, M-1, M-2, J-1, or J-2 status filed via premium processing.<sup>3</sup> However, the processing clock will only begin once the USCIS receives all pre-requisites for adjudicating the change of status application, including the applicant's and all co-applicants' biometrics.<sup>4</sup>

The USCIS clarified that the premium processing service described above will not be available for individuals seeking an extension of stay in M-1 or M-2 status and that premium processing requests received before the timelines described above will be rejected.<sup>5</sup> Furthermore, the USCIS established that Form I-907 and Form I-539 must be filed in the same format (i.e., if Form I-907 is submitted online, Form I-539 must be submitted online). To submit a premium processing request online, the filer must create a USCIS online account.

## Biometrics

Individuals must submit their biometrics to the USCIS before they can benefit from premium processing. The USCIS will accept Form I-907 and accompanying fees but will not start the 30-day timeline for premium processing until the applicant and all co-applicants included in Form I-539 have submitted their biometrics.<sup>6</sup> USCIS added that they may reject an individual's premium processing or change of status request if it is submitted with another benefit request or form.

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## KPMG INSIGHTS

The USCIS states in its announcement that the phased approach ensures compliance with the Emergency Stopgap USCIS Stabilization Act, which allows for the premium processing expansion only if it will not result in increased processing times for immigration benefits.

Employers and individuals are encouraged to work closely with immigration counsel to identify whether there is a benefit to premium processing any change-of-status requests.

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 Expands Premium Processing for Applicants Seeking to Change into F, M, or J Nonimmigrant Status](#)" (June 12, 2023).

2 *Id.*

3 See U.S. Citizenship and Immigration Services, "[How Do I Request Premium Processing](#)" (last updated 06/12/2023).

4 Homeland Security Department Rule, "Implementation of the Emergency Stopgap USCIS Stabilization Act," 87 FR 18227 (Published 03/30/2022; Effective 05/31/2022). This Final Rule can be found on the *Federal Register's* website [here](#).

5 *Supra* note 1.

6 *Id.*

## Contact us

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