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I-140 Petition Through Premium Processing

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Submitted by Chief Editor on Nov 14th 2012

Should I file my I-140 petition through regular processing or premium processing?

ANSWER:

Currently USCIS is accepting premium processing for certain I-140 categories. In addition to the regular filing fee, there is an additional \$1,225.00 filing fee to upgrade to premium processing. If an I-140 is filed with premium processing, USCIS will issue a determination or an RFE within 15 calendar days.

Typically, these are some of the reasons when an I-140 should be filed through premium processing:

1) When an I-140 approval is needed to extend H-1 beyond the 6 years. Please see Rajiv's blog entry for more information:

<http://forums.immigration.com/entry.php?214-Obtaining-H-1-Extension-beyo...> ^[2]

2) If you would like to know the outcome of the I-140 as soon as possible.

3) When the priority date is current and the I-485 could be approved quickly.

4) When requesting priority date carry-over from a previously approved case and would have a current priority date when the new I-140 is approved. This would allow the I-485 to be filed faster.

Typically, these are some of the reasons when an I-140 can be filed through regular processing. To find out the current USCIS processing times, please visit:

<http://www.immigration.com/processing-times-and-status-checks> ^[3]

1) If the priority date is not current, and therefore I-140 approval doesn't benefit the applicant in any way.

2) If any evidence is not available at the time the I-140 is filed, and would be available in the next few months. Examples include:

a. Financial information from the employer ? if the latest tax returns are required to show

ability to pay and the company has not yet filed. By the time the I-140 is reviewed and an RFE issued, the company would have had time to prepare and file the tax returns.

b. Experience letters ? if there is a delay in getting the letters from previous employers. The employee would have several more months to acquire the letters by the time the USCIS issues an RFE.

Additional points to keep in mind when deciding to file regular processing or premium processing:

1) It is commonly believed that an I-140 filed under premium processing will receive additional scrutiny by USCIS. In our experience, this is not true - all I-140s are reviewed the same way and issued an RFE if USCIS requires additional information or evidence.

2) An I-140 filed under regular processing can be upgraded to premium processing even after regular filing. The 15-day processing time starts when the request for upgrade is received.

Unless the context shows otherwise, all answers here were provided by [Rajiv](#) [4] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) [5]

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Links:

[1] <https://immigration.com/faq/form-i-140/i-140-petition-through-premium-processing>

[2] <http://forums.immigration.com/entry.php?214-Obtaining-H-1-Extension-beyond-6-years>

[3] <http://www.immigration.com/processing-times-and-status-checks>

[4] <http://www.immigration.com/law-offices-rajiv-s-khanna-pc>

[5] <http://www.immigration.com>

[6] <https://immigration.com/JavaScript%3Avoid%280%29%3B>