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CIS Reinstates Limited I-140 Premium Processing - Updated 2/27/09

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Submitted by Rajiv S. Khanna on Jun 12th 2008

The news item and related documents are available here:
<http://www.immigration.com/newslette...prmprocs.html> ^[2]

Please note, for now (June 2008), premium processing is only available if you meet ALL of the current requirements:

1. You are currently on H-1;
2. Your H-1 status is expiring within 60 days when you apply for I-140 premium processing; and
3. You are not eligible to receive 1-year H-1 extensions because your labor certification was filed less than one year ago.

FAQ

Question 1

Can we file I-140 PP if:

A) The applicant is in 7th, 8th or 9th year extension? If yes, do we have to wait until 60 days before the current year expires or can we file at any time?

Answer No. Because you fail the 3rd condition. You ARE entitled to receive one-year extensions of H-1.

B) The 6th year has already expired because there was no way to extend H1 at that time and the I-140/I-485 are currently pending? Applicant is on I-485 Pending status.

Answer We are sending a letter to CIS asking clarification. In my view, this PP should be allowed.

C) If the 6th year already expired and the applicant transferred to another non-immigrant status (for example, F-1) because could not extend H1?

Answer We are sending a letter to CIS asking clarification. In my view, this PP should be allowed.

See attached copy of the letter sent to CIS.

Addendum 02/27/09

In February 2009, CIS expanded the premium processing to include those people who are not in H-1 status currently or are out of the US. Rest of the requirements are the same. Typical of their style, the public notice was confusing and singularly useless in providing accurate guidance. **Note that we had pointed out this problem to USCIS back in June 2008. See attached letter. It took them only 8 months to (partly) fix it.**

Regards to all. Rajiv.

Green Card:

Form I-140 [3]

Immigration Law :

Processing Times [4]

Source URL (retrieved on 17 Jan 2021 - 12:53): <https://immigration.com/blog/form-i-140/cis-reinstates-limited-i-140-premium-processing-updated-22709>

Links:

[1] <https://immigration.com/blog/form-i-140/cis-reinstates-limited-i-140-premium-processing-updated-22709>

[2] <http://www.immigration.com/newsletter1/formi140prmprocss.html>

[3] <https://immigration.com/greencard/green-card/form-i-140>

[4] <https://immigration.com/law/immigration-law/processing-times>