

Important Changes in Processing of Temporary Visas & Green Cards
May 19, 2006

U.S. Citizenship & Immigration Services (USCIS) has announced important changes in the way it processes temporary “non-immigrant” visa petitions and green cards. First, USCIS has consolidated processing of all non-immigrant petitions in Vermont and California, and has consolidated processing of all employment based permanent resident green card cases in Nebraska and Texas. Secondly, USCIS has announced plans to implement “premium processing” for employment-based immigrant green card petitions. However, at the same time, USCIS is considering discontinuing concurrent filing of adjustment of status applications. Each of these changes is discussed below:

Changes in Petition Processing Location

On April 1, 2006, USCIS commenced its “Bi-Specialization” program. Under this initiative, processing of non-immigrant petitions is concentrated at the USCIS Service Centers in Vermont and California, while processing of employment-based immigrant petitions is concentrated at the USCIS Service Centers in Nebraska and Texas. All I-129 non-immigrant petitions are now filed with the USCIS Vermont Service Center, with some petitions then forwarded to the California Service Center for processing. All I-140 immigrant petitions are filed with the USCIS Nebraska Service Center, with some petitions forwarded to the Texas Service Center for processing. Previously, I-129 and I-140 petitions were filed at all four USCIS Service Centers. USCIS hopes to achieve faster and more consistent results in adjudication by having specific Service Centers specialize in specific types of petitions.

Premium Processing for I-140 Immigrant Petitions

USCIS has also informed the American Immigration Lawyer’s Association that it will soon begin offering “premium processing” of I-140 immigrant petitions. “Premium processing” is currently available for I-129 non-immigrant petitions. In exchange for payment of an additional \$1,000 “premium processing” filing fee, USCIS provides initial adjudications of premium petitions within 15 calendar days. It is anticipated that, once “premium” service is available for I-140 immigrant petitions, USCIS will discontinue its current policy of permitting applicants to submit I-485 adjustment of status applications (green card applications) concurrently with their I-140 immigrant petitions. It is also expected that “premium processing” will *not* be available for National Interest Waiver I-140 immigrant petitions. Petitioners who do not wish to pay the \$1,000 “premium processing” fee will still be able to file I-140 immigrant petitions by paying the regular filing fee of \$195. Adjudication of I-140 petitions under this method typically takes several months. We will post additional updates on the initiation of I-140 “premium processing” as information becomes available.

If you have further questions about USCIS policies and procedures, please contact your McCandlish Holton immigration attorney.