

Mobility: Immigration alert

June 2023

United States

USCIS expands premium processing to change of status requests for applicants seeking F, M, or J status

Executive summary

On 12 June 2023, U.S. Citizenship and Immigration Services (USCIS) announced that it will be expanding premium processing for certain nonimmigrant visa applicants. Applicants filing Form I-539, Application to Extend/Change Nonimmigrant Status, to change to F-1, F-2, M-1, M-2, J-1, or J-2 nonimmigrant status will now be eligible for premium processing.

Analysis

There will be a phased rollout of the expansion of premium processing for applicants seeking a change of status to F, M or J status:

- ▶ 13 June 2023 - USCIS began accepting Form I-907 requests for premium processing filed by paper or online from applicants who seek to change their status (F-1, F-2, M-1, M-2, J-1, or J-2 status) and who have a **pending** Form I-539
- ▶ 26 June 2023 - USCIS will begin accepting Form I-907 requests filed by paper or online for applicants who want to change their status (F-1, F-2, M-1, M-2, J-1, or J-2 status) **filed together** with Form I-539. Premium processing requests in this category submitted prior to 26 June will be rejected

At this time, premium processing will be limited to change of status requests only and will not be available for extensions.

The following points are important to keep in mind when seeking premium processing in accordance with this latest expansion:

- ▶ The same method of application must be used for both Form I-539 and Form I-907 (online or paper)
- ▶ Biometrics must be submitted before premium processing can start, including the biometrics of all co-applicants. Only after biometrics have been submitted will the 30-day timeframe for premium processing begin.

What this means

This is yet another welcome development in the expansion of premium processing first announced by USCIS in March 2022. Expanding premium processing to nonimmigrants seeking student and exchange visitor status is expected to provide applicants with greater confidence that they will be able to start their programs as scheduled and hopefully avoid deferring their start dates due to I-539 processing delays.

We will continue to monitor and review future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional.



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EYG no. 005960-23GbI

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