

PREMIUM PROCESSING of I-129 and I-140 PETITIONS

About USCIS' Premium Processing Service

The U.S. Citizenship and Immigration Services (USCIS) offers an optional service to expedite the decision of certain petitions within 15 business days known as "Premium Processing." The current USCIS fee for the premium processing service is \$2,805. The premium processing request may be submitted initially along with the petition or we can upgrade the case later.

Due to lengthy USCIS processing times, premium processing may be necessary to facilitate the timely employment of the employee at the University or to allow for work-related international travel. However, the premium processing service only impacts the decision of the I-129 or I-140 petition at USCIS. Premium processing does not expedite the processing of prevailing wage determinations or labor condition applications through the US Department of Labor (DOL), nor does it expedite the internal processing times at IFSS or the issuance of visa stamps at a U.S. embassy or consulate abroad.

Payment of Premium Processing Fee

Employers filing I-129 or I-140 petitions are required to comply with rules concerning the offered salary, prevailing wage, and working conditions. Documentation supporting this information must be retained by the University and is subject to audit at any time. Failure to comply with these rules could result in civil and criminal sanctions, fines, and penalties.

Per federal regulations, the premium processing fee is considered a business expense. For this reason, the employing UW institution or department must pay the premium processing fee in most circumstances*. A demonstrated business need must exist for the institution or department to justify the business expense.

***Exception:** If this fee is paid by the employee, it is considered a deduction from the employee's pay. Such a pay deduction affects the attestations regarding the offered salary and the prevailing wage rate, resulting in a violation of the University's compliance with the regulations. Therefore, the premium processing fee may be paid by the employee if:

1. payment of the fee does not reduce the employee's pay below the required wage rate, and
2. if payment of the fee is voluntarily authorized by the worker under the following two conditions:
 - Continued employment of the employee is not an issue for the employing UW institution or department.
 - The employee has a personal need for expediting the petition.

NOTE: The University will not require an employee to pay the premium processing fee. It is optional only.

Requesting Premium Processing

The attached form must be submitted to IFSS in all cases where premium processing service is being requested regardless of who is paying the fee.

*If the employee is paying the fee, a check or money order from a U.S. bank must be delivered to the IFSS office. DO NOT send the check directly to the Department of Homeland Security or USCIS. IFSS will submit the check along with Form I-907 Request for Premium Processing Service directly to USCIS. **The check must be issued in the exact amount of \$2,805 and made payable to the US Department of Homeland Security.***



International Faculty and Staff Services

OFFICE OF HUMAN RESOURCES
UNIVERSITY OF WISCONSIN-MADISON

PREMIUM PROCESSING REQUEST FOR I-129 and I-140 PETITIONS

UW Employee: _____

UW Institution: _____ Department: _____

The individual signing this form understands and agrees to the following:

- USCIS premium processing service is being requested for the I-129/I-140 petition of the above-named employee;
• Premium processing will only expedite the adjudication of the I-129/I-140 petition with USCIS and does not impact any required filings with the Department of Labor, processing at IFSS or Department of State; and
• Premium processing does not guarantee approval of the I-129/I-140 petition.

Select one:

[] UW institution or department will pay the premium processing fee. Premium processing of this petition is a necessary business expense. I have attached supporting documentation to support this request. However, if this upgrade is due to a need for continuation of employment, no supporting documentation is required. IFSS will upgrade for continuation of employment reasons no earlier than 6 weeks prior to the employee's current work authorization end date.

Institution or Department Contact Name: _____

Signature: _____ Date: _____

[] Employee will pay the premium processing fee. I understand that, at this time, there is no demonstrated business reason for my employer to premium process this petition. Therefore, due to personal reasons unrelated to my employment, I, the above-named employee, choose to pay the premium processing fee on my own.

Employee Name: _____

Signature: _____ Date: _____

For IFSS Only

HRS wage rate or rate in offer letter: \$ _____ - \$2805 = \$ _____

Prevailing Wage: \$ _____