



# USCIS Update

July 20, 2009

## **USCIS Announces Resumption of Premium Processing Service for R-1 Nonimmigrant Religious Worker Visa Classification**

**WASHINGTON**—U.S. Citizenship and Immigration Services (USCIS) announced that, effective today, it will resume Premium Processing Service for nonimmigrant religious worker petitions filed by certain R-1 petitioners. Only those petitioners who have successfully passed an on-site inspection are eligible to file under Premium Processing Service.

In August 2005, USCIS' Office of Fraud Detection and National Security completed a Benefit Fraud Assessment (BFA) which focused on religious worker petitions. Based on that assessment, USCIS initiated a site inspection requirement as part of the adjudication process for religious worker petitions. Due to the requirement for a successful site inspection prior to approval, premium processing was suspended for R-1 nonimmigrant religious worker visa petitions on November 28, 2006.

Under [Premium Processing Service](#), USCIS guarantees petitioners that, for a \$1,000 processing fee, it will issue either an approval notice or, where appropriate, a denial notice, a notice of intent to deny, a request for evidence, or open an investigation for fraud or misrepresentation, within 15 calendar days of receipt. If the petition is not processed within 15 calendar days, USCIS will refund the \$1,000 fee and continue to process the request under normal processing times. As the processing of R-1 nonimmigrant petitions includes procedures such as inspections, evaluations, verifications and compliance reviews, designed to ensure the legitimacy of the petitioner and statements made in the petition, USCIS cannot reasonably ensure the processing of R-1 nonimmigrant petitions within 15 calendar days for those petitioners who have not previously had a successful completion of a site inspection.

Accordingly, USCIS will resume its acceptance of Form I-907, Request for Premium Processing Service, for Form I-129s, Petition for a Nonimmigrant Worker, requesting R-1 nonimmigrant visa classification, only from those religious organizations that have previously had a successful completion of a site inspection at the location where the beneficiary will be employed. Prior to accepting the Form I-907, USCIS will conduct a system search to verify whether or not a successful site inspection was completed at the location where the beneficiary will work. The petitioner may choose to submit a copy of Form I-797 approval notice for the previously approved R petition to facilitate USCIS in locating the petitioner's site inspection record.

Information about the expanded Premium Processing Service, including what classifications are eligible to request such processing, is available on the USCIS Web site at [www.uscis.gov](http://www.uscis.gov) or by calling the USCIS National Customer Service Center toll free at (800) 375-5283.

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# Questions and Answers

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## **USCIS Announces Resumption of Premium Processing Service for R-1 Nonimmigrant Religious Worker Visa Classification**

U.S. Citizenship and Immigration Services (USCIS) announced that effective July 20, 2009, it will resume Premium Processing Service for R-1 nonimmigrant religious worker petitions filed by certain R-1 petitioners in accordance with 8 CFR 103.2(f)(2). Only those petitioners who have successfully passed an on-site inspection are eligible to use Premium Processing Service.

### **Q1. Who is eligible to request Premium Processing Service for an I-129 R-1 petition?**

A1. A petitioner who has successfully passed a site inspection at the location where the beneficiary will work may request Premium Processing Service for an R-1 nonimmigrant religious worker petition.

### **Q2. What does “successful completion of a site inspection” mean?**

A2. A site inspection conducted at the employment location of the beneficiary which has resulted in satisfactory completion of such inspection.

### **Q3. Is the petitioner required to submit proof of eligibility to request Premium Processing Service for an I-129 R-1 petition?**

A3. No. USCIS will conduct an upfront search in its electronic systems upon receipt of the Form I-907, Request for Premium Processing Service, associated with the I-129 R-1 petition to verify whether or not the petitioner has previously had a site inspection and whether or not the petitioner had successfully passed the inspection at the location where the beneficiary will work.

### **Q4. Will the petitioner be eligible to request premium processing for an I-129 R-1 petition if the religious organization previously had a site inspection but failed?**

A4. No. If USCIS system search reveals that the petitioner previously failed an on-site inspection, the Form I-907 will be rejected as the petitioner may be required to submit additional factual evidence to establish that the petitioner now has overcome the reason for the previous denial or undergo a new site inspection.

### **Q5. Will the petitioner be eligible to request premium processing for an I-129 R-1 petition if a site inspection was conducted at a location other than where the beneficiary will be working?**

A5. No. The petitioner must have successfully passed a site inspection conducted at the location of the beneficiary’s proposed employment. If the petitioner’s name and the address of the beneficiary’s intended

place of employment do not match USCIS electronic records, the Form I-907 will be rejected.

**Q6. May the petitioner be subject to a site inspection even if a request for Premium Processing Service is accepted by USCIS?**

A6. Yes. Although the petitioner must have successfully passed a pre-approval site inspection in order for the premium processing request to be accepted, the successful completion of a prior pre-approval site inspection does not preclude USCIS from conducting another pre-approval site inspection or compliance review (a post-approval site inspection) after the I-129 R-1 petition has been approved.

**Q7. Is Premium Processing Service available for I-360 special immigrant religious worker petitions?**

A7. No. Premium Processing Service is only available for R-1 nonimmigrant religious worker petitions at this time. Such requests are made by religious organizations by filing the Form I-129, Petition for Nonimmigrant Worker.

**Q8. Where can one find information on requirements for the religious worker program?**

A8. USCIS published a [final rule](#), 73 Fed. Reg. 72276 (to be codified at 8 C.F.R. pts. 204, 214, 299) for the religious worker visa classification on November 26, 2008. The final rule amended USCIS regulations to improve our ability to detect and deter fraud and other abuses in the religious worker program. The final rule emphasized that USCIS will conduct inspections, evaluations, verifications, and compliance reviews of religious organizations to ensure both the legitimacy of the petitioner and statements made in the petitions. The rule also stipulated that if USCIS decides to conduct a pre-approval inspection, the satisfactory completion of such an inspection will be a condition for approval of any religious worker petition.

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