

ALERTS

Premium Processing Resumed for Certain H-1B Petitions

07.2017

As of July 24, 2017, USCIS has resumed premium processing service for certain types of H-1B cap-exempt petitions. While premium processing is still not available for most H-1B petitions, USCIS announced that it will now accept premium processing requests for cap-exempt petitions if the H-1B petitioner is:

- * An institution of higher education;
- * A nonprofit related to or affiliated with an institution of higher education; or
- * A nonprofit research or governmental research organization.

Premium processing will also resume for cap-exempt petitions in which the beneficiary will be employed at a qualifying cap-exempt institution, organization or entity.

USCIS has also resumed premium processing for H-1B petitions filed on behalf of physicians under the Conrad 30 waiver program as well as interested government agency waivers.

Petitioners within these categories are now eligible to request 15-day, premium processing on H-1B petitions using Form I-907, Request for Premium Processing Service. The I-907 may be filed with Form I-129, Petition for a Nonimmigrant Worker for a new petition, or the I-907 may be filed separately to request an upgrade to premium processing on a currently pending H-1B petition.

Premium processing remains temporarily suspended for all other H-1B petitions such as extension of status and amendment of status including change of employer petitions, as well as petitions filed under the FY18 H-1B cap (regular cap and master's advanced degree cap).

USCIS plans to resume premium processing of other H-1B petitions as workloads permit.

We urge any company representative or foreign national seeking guidance on this issue to contact an MVA team member.