

# ALERTS

## Premium Processing Resumed for H-1B Cap Petitions

09.2017

USCIS has resumed premium processing for all H-1B visa petitions subject to the Fiscal Year (FY) 2018 cap. This includes petitions receipted in this year's H-1B lottery process, subject to the standard H-1B cap of 65,000 and the advanced degree cap of 20,000.

Premium processing on all H-1B petitions was halted earlier this year. Any petition for H-1B status (whether cap subject or not) filed as of April 3, 2017 was not eligible for this 15-day expedited processing service.

Over the past few months, USCIS has progressively re-opened premium processing to various categories of H-1B petitions. As of today, the following types of H-1B petitions are eligible for premium processing:

- H-1B applicants who filed a petition that was receipted but subject to either the FY2018 standard cap or advanced degree cap.
- H-1B applicants filing under the Conrad 30 waiver program, as well as interested government agency waivers.
- H-1B applicants filing cap-exempt petitions whose petitioner is an institution of higher education.
- H-1B applicants filing cap-exempt petitions whose petitioner is a non-profit related to or affiliated with an institution of higher education.
- H-1B applicants filing cap-exempt petitions whose petitioner is a non-profit research or governmental research organization.

Petitioners with pending H-1B cap cases 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 the required filing fee of \$1225.00 to request an upgrade to premium processing on a pending cap-subject 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. USCIS plans to resume premium processing of these 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.