

ALERTS

Premium Processing to be Temporarily Suspended for H-1B Petitions

03.2017

As of April 3, 2017, USCIS will temporarily suspend premium processing for all H-1B petitions. Therefore petitioners will not have the option to request 15-day, premium processing on H-1B petitions filed on or after April 3, 2017.

USCIS announced that this suspension may last up to 6 months. **Therefore it is advisable for petitioners to pursue extension of status petitions as soon as possible for any H-1B employees currently eligible for extension to avoid issues with status extension or travel.** H-1B employees may submit an extension of status petition 180 days prior to their current expiration date.

While H-1B premium processing is suspended, petitioners will not be able to file Form I-907, Request for Premium Processing Service for a Form I-129, Petition for a Nonimmigrant Worker which requests the H-1B nonimmigrant classification. This includes H-1B petitions for extension of status and amendment of status including change of employer petitions filed on or after April 3, 2017.

This suspension will apply to all petitions filed for the FY18 H-1B cap (regular cap and master's advanced degree cap) as this year's cap-subject H-1B petitions cannot be filed before April 3, 2017. The suspension also applies to petitions that may be cap-exempt.

USCIS will continue to premium process H-1B petitions if it is properly filed with an associated Form I-907 before April 3, 2017.

This temporary suspension of premium processing does not apply to other eligible nonimmigrant classifications filed on Form I-129. USCIS will notify the public before resuming premium processing for H-1B petitions. We urge any company representative or foreign national seeking guidance on this issue to immediately contact an MVA team member.