

ALERTS

Immigration Update

03.19.2013

Last Call for 4/1 H-1B Filings, Premium Processing Update

As the April 1, 2013 filing window approaches for cap-subject H-1B nonimmigrant visa petitions, we want to remind employers that the time to prepare these filings is now. Prior to filing the petition with Citizenship and Immigration Services (CIS), we must first have the Department of Labor (DOL) certify the labor condition application (LCA) that describes the terms of employment. Traditionally, as the LCA volume increases nearing the April 1st filing window, LCA adjudication timeframes have increased as well. By regulation the Department of Labor has seven days in which to certify, deny or request more information on the LCA filing. To ensure LCA's are certified in time for the 4/1 filing window, **they must be filed by this Friday, March 22nd**. If you have an employee who will require a cap-subject H-1B filing to continue working for your company, please contact our office immediately to begin this process if you have not already done so.

CIS has also announced that it will suspend Premium Processing service for all cap subject H-1B petitions from April 1st, to April 15th. As we predicted in our January 14th client alert ([hyperlink to Client alert](#)), CIS expects to receive more petitions than the allotted 65,000 H-1B visa numbers available. In expectation of needing to conduct a lottery to determine which petitions receive these numbers, CIS will not begin processing cap-subject H-1B petitions received during the lottery filing window until April 15th. While some receipts may have an early receipt date as part of the overall data input process, the 15 day processing window the fee payment guarantees will begin April 15th. Employers who file petitions for 4/1 H-1B cap cases under the Premium Processing program can expect to receive an approval, denial or request for additional evidence by April 30, 2013.