

ALERTS

Premium Processing Suspended for Cap-Subject H-1B Petitions

03.2018

USCIS announced that it will temporarily suspend premium processing service for H-1B petitions that are subject to this year's H-1B cap. This suspension of premium processing will not apply to non-cap subject H-1B petitions, such as petitions for extension or amendment of H-1B status.

On Monday, April 2, 2018, USCIS will begin accepting H-1B petitions subject to the Fiscal Year (FY) 2019 cap and these petitions (advanced degree and standard cap) will not be eligible for 15-day, premium processing service. Any Form I-907, Request for Premium Processing Service, filed with an FY 2019 cap-subject H-1B petition will be rejected by the Service.

USCIS anticipates the suspension will last until September 10, 2018 and the Service will notify the public when premium processing has resumed for these petitions. Once premium processing has been resumed, petitioners may file Form I-907 for FY 2019 cap-subject H-1B petitions that remain pending.

During the suspension, a petitioner may submit a request to expedite an FY 2019 cap-subject H-1B petition. Any request for expedite must demonstrate there is an urgent need for adjudication based on at least one of the following criteria:

- Humanitarian reasons;
- Nonprofit organization whose request is in furtherance of the cultural and social interests of the United States ;
- Department of Defense or national interest situation (These particular expedite requests must come from an official U.S. government entity and state that delay will be detrimental to the government.);
- Severe financial loss to company or person ;
- Emergency situation;
- USCIS error; or
- Compelling interest of USCIS.

PREMIUM PROCESSING SUSPENDED FOR CAP-SUBJECT H-1B PETITIONS

The Service will continue to accept premium processing requests for H-1B petitions that are not subject to the FY 2019 cap, such as petitions for extension of status, amendment of status or change of employer. This temporary suspension also does not apply to other of premium processing, eligible nonimmigrant classifications filed on Form I-129, such as L-1 or O-1.

If you have any questions regarding this latest USCIS update or other H-1B visa issues, please contact an MVA Immigration Team Member.