

Premium Processing Reinstated for All H-1B Cases

USCIS announced that premium processing has been reinstated for **all** H-1B petitions. Effective October 3, 2017, employers may request to upgrade pending H-1B petitions to premium processing. Suspension of premium processing for H-1B cases went into effect on April 3, 2017. Over the past few weeks, USCIS reinstated premium processing for certain cap-exempt employer H-1B petitions, as well as for select foreign physicians under the Conrad 30 Waiver. In addition, FY2018 H-1B cap cases were permitted to file premium processing upgrades beginning September 18, 2017. Today's announcement effectively reinstates premium processing for all types of H-1B petitions.

Employers may want to upgrade pending H-1B petitions to premium processing so as to allow an employee the ability to travel outside the United States, to request a renewal of a driver's license, to avoid any lapse in continued employment eligibility, or to receive a response to a Request for Evidence. In a previous post on the *ABC's of Immigration Law*, we advised employers of F-1 students covered by the cap gap regulations whose employment eligibility would expire as of September 30, 2017, to file to upgrade those petitions to premium processing. When announced in April 2017, USCIS estimated that the suspension would be for a period of six months and stated its intention of resuming processing in phases by petition type. This brings full circle the suspension of premium processing for H-1B petitions.

Should you have questions regarding individual situations or the applicability of the above, please feel free to contact the author.



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