

USCIS Extends and Expands Suspension of Premium Processing for H-1B Petitions

U.S. Citizenship and Immigration Services (USCIS) announced on Tuesday, August 28, 2018, that the previously announced temporary suspension of premium processing for cap-subject H-1B petitions will continue and be expanded. Beginning September 11, 2018, and continuing through February 19, 2019, H-1B petitions cannot be filed utilizing premium processing, except for the following types of cases:

1. Cap-exempt petitions filed with the California Service Center because the employer is cap exempt or because the beneficiary will be employed at a qualifying cap exempt institution, entity, or organization; or
2. Petitions filed exclusively at the Nebraska Service Center by an employer requesting a "Continuation of previously approved employment without change with the same employer." (Box b. on Part 2, Question 2, Page 2 of the current Form I-129) with a concurrent request to:
 - a. Notify the office in Part 4 so each beneficiary can obtain a visa or be admitted. (Box 2 on Part 2, Question 4, Page 2 of the current Form I-129); or
 - b. Extend the stay of the beneficiary because the beneficiary now holds this status. (Box c on Part 2, Question 4, Page 2 of the current Form I-129).

This temporary suspension of premium processing does not apply to any other nonimmigrant classifications filed on Form I-129.

While premium processing is temporarily suspended through February 19, 2019, petitioners may submit a request to expedite an H-1B petition if they meet one of the following Expedite Criteria and are prepared to submit documentary evidence to support their expedite request:

- Severe financial loss to company or individual
- Emergency situation
- 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 submitted by an official U.S. government entity and that delay will be detrimental to the government
- USCIS error
- Compelling interest of USCIS

USCIS reports that the suspension of premium processing will allow it to process long-pending petitions, which have not been processed due to the high volume of incoming petitions and premium processing requests over the past few months; be more responsive to petitions with time-sensitive start dates; and adjudicate H-1B extension cases that are nearing the 240-day mark.

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



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