

MARCH 21, 2018 BULLETIN TO ALL IMMIGRATION CLIENTS

Temporary Suspension of Premium Processing Service for All Cap-Subject H-1B Nonimmigrant Visa Petitions

On March 20, 2018, the United States Citizenship and Immigration Services (USCIS) announced that it will temporarily suspend the premium processing service for all cap-subject H-1B nonimmigrant visa petitions beginning on April 2, 2018 (i.e., the first date on which these petitions can be filed). This temporary suspension is expected to last through September 10, 2018 and **will apply to both regular and master's advanced degree cap petitions.**

As background, the USCIS premium processing service allows the petitioner to use Form I-907 to request an expedited adjudication on a petition for an additional fee of \$1,225. USCIS will then issue a decision on the petition within 15 calendar days. During the time that the premium processing service is suspended for cap-subject H-1B petitions, USCIS will reject any Form I-907 filed with a cap-subject H-1B petition.

During this temporary suspension of the premium processing service for cap-subject H-1B petitions, the USCIS will continue to accept and adjudicate premium processing requests for H-1B petitions that are not subject to the FY 2019 cap (i.e., H-1B extension petitions and H-1B cap-exempt petitions). Please note that this temporary suspension also does not affect any other nonimmigrant classification requests filed on Form I-129 (i.e., L-1A/B, O-1, H-3, TN, E-2).

The purpose of this temporary suspension of the premium processing service for cap-subject H-1B petitions is to reduce the processing times for H-1B petitions overall. Specifically, USCIS plans to process long-pending H-1B petitions, which have experienced long-term delays due to the high volume of incoming petitions and significant surge in premium processing requests for H-1B petitions over the past few years. USCIS will also use the temporary premium processing suspension to prioritize the adjudication of those H-1B extension petitions that are nearing the 240 day mark (pursuant to the immigration rule that allows an H-1B employee, whose employer has filed a timely H-1B extension, to continue working for up to 240 days while the H-1B extension petition is pending) of the extension period.

Please note that USCIS has previously suspended the premium processing service for certain H-1B petitions in the past, including implementing a temporary suspension of the premium processing service for all H-1B petitions (in 2017) as well as temporarily suspending the premium processing service on all H-1B extension petitions (in 2015). We will continue to

provide updates regarding the exact time period for which the premium processing service for cap-subject H-1B petitions will be suspended and will notify you of any changes in the suspension period.

Please contact any member of the Cohen & Grigsby Immigration Department if you have any questions regarding the above at 412.297.4900. To receive future bulletins and news alerts, please send an e-mail to bulletin@cohenlaw.com.

Copyright © 2018 by Cohen & Grigsby, P.C. (No claim to original U.S. Governmental material.)

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of Cohen & Grigsby, P.C. and is intended to alert the recipients to new developments in the area of immigration law. The hiring of a lawyer is an important decision that should not be based solely on advertisements. Before you decide, ask us to send you free written information about Cohen & Grigsby's qualifications and experience.