

USCIS Suspends Premium Processing for ALL H-1B Petitions

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Late Friday, March 3, the United States Citizenship and Immigration Services (USCIS) announced that it was indefinitely suspending premium processing for ALL H-1B petitions filed on or after April 3, 2017. This suspension would mean that no FY 2018 cap-subject H-1B petitions could be filed under premium processing. The same exclusion would apply to H-1B extension petitions, H-1B Change of Employer amendment/extension petitions, and H-1B Cap exempt petitions filed on or after April 3. USCIS will continue to premium process H-1B petitions if the petitioner properly filed before April 3, 2017. The apparent reason for this suspension is that USCIS is so far behind in its processing of H-1B petitions, that it does not want to devote resources to premium processing of H-1B petitions. USCIS will focus on adjudicating long pending petitions and prioritize H-1B extensions cases that are nearing the 240 day mark.

The suspension of premium processing presents a particular issue for individuals in F-1 student status with OPT/EAD cards that will be expiring in April, May or June. It is unclear if there will be a work around. Therefore, if you have any non-cap H-1B petitions for which you would like to request premium processing, it would be necessary to get those petitions filed with USCIS before April 3.

We will continue to monitor the situation to see if anything changes.

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