

Cross Border Business Law Blog

## **Now Effective: USCIS Resumes Premium Processing for H-1B Petitions Selected Under Fiscal Year 2018 Cap**

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On Monday, September 18, 2017, the U.S. Citizenship and Immigration Services (USCIS) announced that it would resume offering its 15-day Premium Processing service for any H-1B visa petition still pending that had been accepted under this Fiscal Year's (FY) 2018 cap during the first five business days in April 2017. Premium Processing had been suspended for this and almost all other H-1B work visa categories since April 3, 2017.

Under Premium Processing, if the employer agrees to pay the additional \$1,225 government filing fee, USCIS will guarantee to either approve the H-1B petition, deny the H-1B petition, or request additional evidence from the employer within 15 calendar days from the date of filing the H-1B petition with the USCIS Service Center. If the 15 calendar day processing time is not met, the agency will refund the petitioner's \$1,225 Premium Processing service fee and continue with expedited processing of the application.

Premium Processing remains suspended for almost all other H-1B filing categories, such as H-1B extensions of stay. Agency processing times for non-premium H-1B petitions filed under regular processing are usually four to five months or longer.

In making the announcement, USCIS stated that it "plans to resume Premium Processing for all other remaining H-1B petitions not subject to the FY 2018 cap, as agency workloads permit." The agency had previously stated in March 2017, when it originally suspended premium processing, that it expected to resume Premium Processing no later than October 3, 2017.

Regardless of Premium Processing, an employer may always submit a request to expedite their H-1B filing if they can show an urgent business or humanitarian need. USCIS review s all expedite requests on a case-by-case basis, and requests are granted at the discretion of the office leadership.

**Tags:** employers, H-1B visa, petitions, premium processing, U.S. Citizenship and Immigration Services, visa applicants, visa process