



Immigration Update[®]

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Temporary Suspension of Premium Processing for All H-1B Petitions Beginning April 3, 2017

Late Friday afternoon the U.S. Citizenship and Immigration Services (CIS) [announced](#) that beginning April 3, 2017 premium processing will be suspended for all H-1B petitions. Premium Processing is a filing option for certain immigration petitions that allows the case to be adjudicated within 15 days of filing and requires an additional government filing fee of \$1,225. Because adjudication times under normal processing have grown to 8-12 months for most H-1B filings, employers have often been required to file cases under premium processing in order to receive a timely decision. The CIS has indicated that the temporary suspension of premium processing is a due to a reallocation of resources to address the extreme processing times under normal filings and to prioritize long pending cases. The suspension may last up to 6 months.

This suspension is significant because it will affect all cap subject H-1B cap subject petitions filed under the upcoming [Fiscal Year 2018 quota](#), which are able to be filed beginning April 3, 2017. The suspension will also apply to all H-1B petitions, including extensions, amendments, change of status filings, and new H-1B filings for cap-exempt institutions such as universities.

In order to take advantage of premium processing for H-1B petitions not subject to the H-1B cap, all H-1B petitions must be received by CIS before April 3, 2017, Monday. While it is clear that the CIS will reject any cases filed under premium processing beginning April 3, 2017, it is not clear how cases filed prior to this date that remain pending as of April 3rd will be handled. CIS has indicated that even cases filed before April 3rd will not be adjudicated under premium processing if the CIS has not adjudicated the case within the 15-calendar-day processing period. From a practical perspective this means that the opportunity to take advantage of premium processing may cease before the April 3rd implementation date. Practically, H-1B petitions may need to be received by March 16 and preferably earlier so that CIS could adjudicate the filing within 15 days, which would be by March 31, Friday; if USCIS has not issued a response by April 3, CIS has indicated that it will return the \$1,225 premium processing filing fee.

Please contact your Foster attorney directly to review the effect of this change on specific cases, including those who may need a prompt approval for driver's license renewals, travel, or because the deadline for the 240 day automatic extension is fast approaching. Foster will continue to monitor this situation and will provide additional information in future Immigration Updates[®] and on our firm's website at www.fosterglobal.com.

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