



August 29, 2018

Special Immigration Alert

USCIS Will Suspend Premium Processing for Most H-1B Petitions Starting September 11, 2018

On August 28, 2018, U.S. Citizenship and Immigration Services (“USCIS”) announced that it would suspend premium processing for most H-1B petitions filed (i.e., petitions that USCIS receives) on or after September 11, 2018, through an estimated date of February 19, 2019.

USCIS’s announcement effectively means that premium processing **will not be available** for *most* H-1B petitions—only a select few petitions will not be impacted during this time.

The H-1B petitions that this announcement will affect include the following:

- All H-1B cap case petitions (please note that H-1B cap case petitions have been suspended from premium processing since April 1, 2018, and will continue to be suspended based on this announcement)
- All H-1B petitions for changes of employer
- All H-1B petitions for amendments or extensions of status filed with either the Vermont Service Center or the California Service Center

This announcement **does not** affect the following H-1B petitions:

- All H-1B petitions **filed with the Nebraska Service Center** by employers requesting a “continuation of previously approved employment without change with the same employer”
- All cap-exempt H-1B petitions that are filed exclusively at 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** (this section is geared towards H-1B employers that are directly connected with, or are institutions of, higher learning, such as universities)

Reasons for the Suspension of Premium Processing

According to USCIS, suspending premium processing will allow USCIS to:

- process long-pending petitions, which it has been unable to process due to the high volume of incoming petitions and premium processing requests over the past few months,
- be responsive to petitions with time-sensitive start dates, and
- prioritize the adjudication of H-1B extension of status cases that are nearing the 240-day mark.

Please note that this suspension of premium processing applies exclusively to H-1B petitions and **does not apply** to I-129 petitions filed in any other visa classification, including the E, L, P, O, R or TN classification, or to I-140 petitions currently eligible for premium processing.

This unexpected and last-minute change in USCIS policy—combined with another policy also set to begin on September 11, 2018, that allows USCIS to deny cases outright in lieu of issuing requests for additional evidence (“RFE”)—threatens to impact a number of aspects of the H-1B application flow.

Employers should anticipate delays with H-1B petitions filed on or after September 11, 2018. USCIS will provide notice on its website (uscis.gov) before resuming the premium processing service.

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If you have any questions regarding this Alert or any other U.S. immigration issues, please contact Epstein Becker Green’s Immigration Law Group:



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