



March 21, 2018

Special Immigration Alert:

USCIS Suspends Premium Processing for Fiscal Year 2019 H-1B Cap Petitions

On March 20, 2018, U.S. Citizenship and Immigration Services (“USCIS”) announced that it was temporarily suspending premium processing for all H-1B petitions filed in this year’s H-1B cap. This suspension applies to both the regular and so-called “master’s” cap submissions. The USCIS has indicated that premium processing is expected to resume on or shortly after September 10, 2018.

April 2, 2018, is the first day that H-1B cap petitions can be accepted for processing for this year’s H-1B cap for fiscal year 2019, which commences on October 1, 2018. This announcement means that premium processing is not available for *any* H-1B cap case until the premium processing ban is lifted.

Please note that the USCIS indicates that this suspension of premium processing relates only to H-1B cap petitions. This suspension does *not* apply to (i) H-1B cap-exempt, change of employer, amendment of status, or extension of status petitions; (ii) any other visa classifications, such as L-1, TN, E-2, or O-1; or (iii) applicable I-140 petitions currently eligible for premium processing.

This unexpected and last-minute change in USCIS policy threatens to impact several aspects of the H-1B cap application flow. Perhaps the most significant impact will be on F-1 students under Optional Practical Training (“OPT”) employment. Those F-1 students will be unable to secure faster adjudication of their H-1B petition to travel abroad. Also, many of these F-1 students have OPT work authorization that expires between April and October 2018 and thus benefit from “cap gap” protection. Due to the suspension of premium processing, these students will not know the status of their continued work authorization until possibly several months after the H-1B cap filing.

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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:



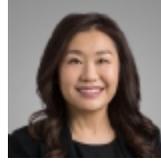
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