

Premium Processing Is Taking a Summer Vacation!

May 20, 2015

USCIS Announced That It Is Temporarily Suspending Premium Processing of H-1B Extension Petitions

The United States Citizenship & Immigration Service (USCIS) announced yesterday, without warning to its stakeholders, that it will be suspending premium processing for all H-1B extension petitions on May 26, 2015.

USCIS is temporarily suspending this service in anticipation of an influx of applications under the new rule permitting certain H-4 spouses to apply for Employment Authorization commencing May 26, 2015. (See: [Continued Rollout of Obama's Executive Action on Immigration, client alert, February 24, 2015](#).) In an effort to timely adjudicate the Employment Authorization Applications, USCIS is reallocating staff, causing a decrease in resources available to the Premium Processing Unit.

As a result, from May 26, 2015 to July 27, 2015, employers will not be able to file Form I-907, Request for Premium Processing Service, with an additional filing fee of \$1,225 for a Form I-129, Petition for a Nonimmigrant Worker, requesting an extension of the stay for an H-1B employee.

Premium processing cases receive expedited adjudication. Specifically, USCIS will issue an approval notice, a denial notice, or a request for evidence within 15 calendar days. If the petition requires the submission of additional evidence, a new 15-calendar-day period will begin upon receipt by USCIS of a complete response.

Because H-1B extension petitions can take several months and individuals should not travel internationally while an extension of stay is pending, this unanticipated hiatus likely will upset many travel plans. If you are in the process of extending your H-1B status or your employee's H-1B status, please contact your Proskauer lawyer to determine if there is a filing strategy available that won't jeopardize summer travel.

In addition to notifying the public of the suspension of some premium processing services, USCIS confirmed that they will continue to premium process H-1B Extension of Stay petitions received prior to May 26, 2015 and that expedited service remains available for all other Form I-129 H-1B petitions. As is existing policy, USCIS will refund the premium processing fee for cases filed prior to May 26, 2015 that are not adjudicated within the 15-calendar-day period.