

PUBLICATION

USCIS Will Resume Premium Processing for Certain H-1B Petitions

July 25, 2017

On July 24, U.S. Citizenship and Immigration Services announced that it would resume premium processing for certain cap-exempt H-1B petitions effective immediately. Premium processing for H-1B petitions had been suspended in mid-March of this year so that resources could be focused on processing current petitions.

The H-1B visa has an annual cap of 65,000 visas each fiscal year. Additionally, there is an annual "master's cap" of 20,000 petitions filed for beneficiaries with a U.S. master's degree or higher. Premium processing will now resume for petitions that may be exempt from the cap if the H-1B petitioner is:

- An institution of higher education;
- A non-profit related to or affiliated with an institution of higher education; or
- A non-profit research or governmental research organization.

Cap-exempt petitioners who are eligible for premium processing can file a Form I-907, Request for Premium Processing Service, directly with USCIS. The Form I-907 may be filed together with an H-1B petition or separately for a pending H-1B petition. USCIS previously announced that premium processing resumed on June 26 for H-1B petitions filed on behalf of physicians under the Conrad 30 Waiver Program as well as interested government agency waivers. This is a further step in USCIS "incrementally" bringing back premium processing for H-1B petitions.

USCIS plans to resume premium processing of other H-1B petitions as workloads permit. USCIS will make additional announcements with specific details related to this topic when they will begin accepting premium processing for those petitions. Until then, premium processing remains temporarily suspended for all other H-1B petitions.