



Immigration Update

USCIS will temporarily suspend premium processing for all H-1B petitions including petitions for the FY2018 regular and Master's cap

March 10, 2017

On March 3, 2017, US Citizenship and Immigration Services (USCIS) notified the public that it will temporarily suspend premium processing for all H-1B petitions and that this suspension may last up to six months. The public will be notified before USCIS resumes premium processing for all H-1B petitions.

Contacts:

Joel Guberman
Founding Partner
Guberman Garson LLP
Tel: 416-874-3964

Lorna Sinclair
National Leader
Deloitte LLP
Tel: 416-643-8224

Related links:

[Global employer services](#)

[Deloitte Tax Services](#)

What is premium processing?

Premium processing expedites the adjudication of an H-1B petition. In order to file an application using premium processing, the petitioner completes an application form and pays an additional filing fee of \$1,225.00 USD. If the petitioner chooses this process, USCIS is required to take action (issue an approval notice, notice of intent to deny, request for evidence, etc.) on the application within 15 calendar days or refund the fee if no action is taken on the application.

Who is affected?

The suspension of temporary premium processing will apply to all H-1B petitions filed on or after April 3, 2017. Importantly, this suspension will apply to all petitions filed for the FY2018 H-1B cap, including the regular cap and Master's cap, as well as petitions that may be cap-exempt.

During the suspension, petitioners should not file H-1B petitions with premium processing requests. USCIS will reject any premium processing forms filed with an H-1B petition. If the petitioner submits a cheque or money order with a combined filing fee for the application fees and the premium processing fee, USCIS will reject both the premium processing request and the H-1B petition.

USCIS will continue to adjudicate H-1B petitions within the prescribed time period if the petitioner files the form and filing fee before April 3, 2017.

The temporary suspension does not apply to petitions filed for other non-immigrant classifications, such as L-1 (intra-company transfers) or O-1 (extraordinary ability).

Why is USCIS temporarily suspending premium processing for H-1B petitions?

The temporary suspension is intended to assist USCIS in reducing overall H-1B processing times. Rather than taking action on new petitions submitted using premium processing, USCIS will process long-pending petitions that have not been processed due to the surge in premium processing requests and prioritize H-1B extension of status cases that have been pending for close to 240 days.

Possible implications of temporary suspension

Petitioners often use premium processing for H-1B cap decisions to assist with resource planning. Although premium processing does not increase a petitioner's likelihood of being selected for the H-1B cap, it does result in an earlier decision on the petition. For those who are planning to obtain an H-1B visa abroad, earlier approval can assist with travel and visa stamping plans. In the event that an H-1B petition is denied, a petitioner can assess whether alternative options are available more quickly than if the petition is adjudicated using regular processing. Ultimately, the temporary suspension of premium processing for H-1B petitions may result in resource planning issues for petitioners and visa stamping delays for beneficiaries.

Can we assist?

As always, if you have any questions or concerns, please contact your immigration lawyer at Guberman Garson LLP (416 363 1234).

Immigration services are provided by the immigration practices of Deloitte Touche Tohmatsu Limited ("DTTL") member firms outside the United States and/or Guberman Garson LLP, a global immigration law firm allied with Deloitte LLP in Canada.

This newsletter provides general information and is not intended as legal advice.

Guberman Garson LLP
Bay Adelaide Centre, East Tower
22 Adelaide Street West, 9th Floor
Toronto, Ontario M5H 0A9 Canada
Tel: (416) 363-1234
Fax: (416) 363-8760

Guberman Garson LLP ("GG") is an independent global immigration law firm allied with Deloitte LLP ("Deloitte"), a Canadian limited liability partnership that is a member firm of Deloitte Touche Tohmatsu Limited ("DTTL"), a United Kingdom private company limited by guarantee. GG, Deloitte, DTTL and each member firm of DTTL are legal separate and independent entities. GG's practice is limited to Canadian and U.S. immigration law matters.

Deloitte LLP
Bay Adelaide Centre, East Tower
22 Adelaide Street West, Suite 200
Toronto ON M5H 0A9
Canada

This publication is produced by Deloitte LLP as an information service to clients and friends of the firm, and is not intended to substitute for competent professional advice. No action should be initiated without consulting your professional advisors. Your use of this document is at your own risk.

Deloitte, one of Canada's leading professional services firms, provides audit, tax, consulting, and financial advisory services. Deloitte LLP, an Ontario limited liability partnership, is the Canadian member firm of Deloitte Touche Tohmatsu Limited.

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited, a U.K. private company limited by guarantee, and its network of member firms, each of which is a legally separate and independent entity. Please see www.deloitte.com/about for a detailed description of the legal structure of Deloitte Touche Tohmatsu Limited and its member firms.

© Deloitte LLP and affiliated entities.

To no longer receive emails about this topic please send a return email to the sender with the word "Unsubscribe" in the subject line.