

THE
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H-1B Premium Processing Suspension Extended, USCIS Announces

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While the hope was that the temporary suspension of premium processing for cap-subject H-1B petitions would end on September 11, 2018, USCIS announced on August 28, 2018, that the suspension will continue and be expanded to include other H-1B petitions.

As of September 11, 2018, the suspension will apply to the following H-1B petitions:

- All H-1B petitions filed at the Vermont and California Service Centers.
- Any H-1B petitions filed with premium processing before September 11, 2018, will continue to be processed but, if the USCIS does not take action within the 15-calendar-day period, the premium processing fee will be refunded. This suggests that USCIS actually may suspend premium processing prior to September 11, 2018.

Premium processing will still be available for the following H-1B petitions:

- Cap-exempt petitions filed by cap-exempt institutions and organizations that are filed exclusively at the California Service Center.
- “Continuation of previously approved employment without change with the same employer” petitions filed exclusively at the Nebraska Service Center requesting consular processing or an extension of stay.

USCIS has noted that this expanded suspension will allow the agency to:

- Process long-pending petitions;
- Prioritize cases reaching the 240-day mark; and
- Prioritize other time-sensitive cases.

According to USCIS, the new temporary suspension is expected to last until February 19, 2019.

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