

Dear Colleagues,

U.S. Citizenship and Immigration Services announced on March 3 that it will suspend premium processing service for all H-1B petitions filed on or after April 3, 2017. USCIS stated that this suspension may last up to six months. See <https://www.uscis.gov/news/alerts/uscis-will-temporarily-suspend-premium-processing-all-h-1b-petitions>.

UCLA uses the premium processing service for almost all new H-1B petitions, and for a large portion of H-1B extension petitions. The coming suspension of premium processing will cause significant challenges for UCLA departments who wish to hire new employees in a timely way. Departments are advised to contact the Dashew Center about potential H-1B petitions as early as possible. A strategy will be developed for each new case to minimize the difficulty that each department and individual will face. For each prospective employee who plans to complete a degree in the U.S. in the near future, the individual should be urged to apply for F-1 optional practical training if he or she holds F-1 status, or for J-1 academic training if the individual holds J-1 student status.

Dashew Center staff will work as quickly as possible to file all new H-1B petitions before the deadline of April 2 for which complete documentation has already been received.

Premium processing is available for a number of types of nonimmigrant and immigrant petitions filed with USCIS. It provides for a 15-day initial processing time for a \$1,225 additional filing fee. This assures that a petition will be approved or denied, or a request for additional evidence ("RFE") or notice of intend to deny ("NOID") will be issued, within 15 days. Currently the usual processing time for an H-1B petition filed without premium processing is about 9 months from filing to approval.

The suspension applies to all H-1B petitions filed on or after April 3, 2017, including extension and amendment petitions. It applies to cap-subject and cap-exempt H-1B petitions. Other types of nonimmigrant and immigrant petitions which are eligible for premium processing, including O-1 petitions and certain Form I-140 petitions, are not subject to the suspension, and may continue to be filed with premium processing.

According to USCIS, this suspension of premium processing is being implemented in order to help reduce overall H-1B processing times. USCIS stated that by suspending premium processing, they will be able to process long-pending petitions that they have been unable to process because of the large numbers of premium processing requests

received in the last few years. USCIS will also prioritize processing of H-1B extension petitions that have been pending for nearly 240 days, since the automatic extension of employment authorization only lasts for 240 days after the expiration date of the previously approved petition.

USCIS has a process for requesting expedited processing for petitions and applications which are considered urgent according to certain criteria. During the premium processing suspension, petitioners may still request expedited processing. USCIS reviews expedite requests on a case-by-case basis, and granting the request is discretionary. USCIS may expedite a petition or application if it meets one or more of seven criteria. See <https://www.uscis.gov/policymanual/HTML/PolicyManual-Volume1-PartA-Chapter12.html>.

Requests for expedited processing are not easily granted. In each case for which expedited processing is requested, a contingency plan must be in place, considering the low likelihood of success of the request.

An attorney's FAQ may be found here:

<http://blog.ilw.com/gregsiskind/2017/03/05/siskind-summary-h-1b-premium-processing-suspension-faq>

If you have any general questions about the suspension, please contact us at 310-825-1681. To begin the process of obtaining H-1B status for an individual, please follow the procedure outlined at

<http://www.internationalcenter.ucla.edu/home/EmploymentBased/81/82/Overview>

Sincerely,

UCLA Dashew Center for International Students and Scholars

Tel: (310) 825-1681

www.internationalcenter.ucla.edu