

# One Minute Memo®



## Premium Processing Resumes for All H-1B Petitions

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**Seyfarth Synopsis:** On October 3, 2017, U.S. Citizenship and Immigration Services (USCIS) announced that effective immediately it would resume premium processing for all H-1B petitions.

USCIS temporarily suspended premium processing of all H-1B petitions on April 1, 2017 with the stated goal of addressing significant backlogs in case processing. Over the last few months, the agency incrementally reinstated the premium processing service for certain lower-volume H-1B filings. Yesterday, USCIS announced that premium processing is now available for all H-1B filings, including petitions requesting a change of employer and/or extension of stay.

When a petition is filed under premium processing, the petitioner includes an additional filing fee of \$1,225. This additional filing fee requires USCIS to adjudicate the petition within 15 calendar days of receiving the request. USCIS either approves the petition or issues a Request for Evidence (RFE) within that 15 calendar day time period. However, in the announcement, USCIS stated that if the agency did not meet the 15 calendar day processing deadline, it would refund the petitioner's premium processing service fee and continue with expedited processing of the petition.

Premium processing requests can be filed with the initial filing of a petition, or at a later date by filing the premium processing request form (I-907) and the associated fee, referencing the petition's receipt number. Your contacts at Seyfarth Shaw LLP will work with you to determine which cases should be considered for premium processing upgrades. It may be advisable to upgrade a petition to premium processing if, for example, an employee has imminent travel plans or cannot renew his or her drivers' license due to an expiration of H-1B status.

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