

One Minute Memo[®]



Premium Processing Resumes for Cap-Exempt H-1B Employers

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Seyfarth Synopsis: On July 24, 2017, U.S. Citizenship and Immigration Services (USCIS) announced that it would resume premium processing for H-1B petitions for certain cap-exempt employers effective immediately.

USCIS temporarily suspended premium processing of H-1B petitions on April 1, 2017. USCIS implemented the temporary hold to address significant backlogs in case processing. At this time, USCIS has reinstated premium processing for H-1B petitions filed by certain cap-exempt employers. An employer is “cap-exempt” if it falls into one of the following categories:

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

In addition, premium processing will resume for petitions in which the foreign worker will be employed at a qualifying cap-exempt institution, organization, or entity.

USCIS stated that it plans to resume premium processing for other H-1B petitions in the coming months as workloads permit. USCIS made a similar announcement in June 2017 permitting the filing of premium processing for H-1Bs filed on behalf of physicians under the Conrad 30 waiver program as well as interested government agency (IGA) waivers.

Summary

Premium processing of H-1B petitions for cap-exempt employers and petitions filed on behalf of physicians under the waiver programs has resumed. At this time, all other H-1B petitions can only be filed using regular processing. Seyfarth Shaw LLP will continue to monitor USCIS announcements with regard to resuming the premium processing of other types of H-1B petitions.

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