Update on H-1B Processing

“USCIS Will Temporarily Suspend Premium Processing for All H-1B Petitions”
3/3/2017 News Release

U.S. Citizenship and Immigration Services (USCIS) announced that it will temporarily suspend Premium Processing for up to 6 months. This suspension applies to all H-1B petitions filed on or after April 3, 2017. During this time, USCIS will process long-pending petitions and prioritize adjudication of H-1B extension of status cases that are nearing the 240-day mark. The larger goal is to reduce overall H-1B processing times.

Citation: https://www.uscis.gov/news/alerts/uscis-will-temporarily-suspend-premium-processing-all-h-1b-petitions

What is Premium Processing?

The Premium Processing Service provides expedited processing for H-1B petitions. USCIS guarantees 15-calendar-day processing to employers who choose to use this service or USCIS will refund the Premium Processing Service fee. If the fee is refunded, the relating case will continue to receive expedited processing.

The 15-calendar-day period will begin when USCIS receives the current version of Form I-907, Request for Premium Processing Service. USCIS will issue an approval notice, a denial notice, a notice of intent to deny, a request for evidence or open an investigation for fraud or misrepresentation within the 15-calendar-day period. If the petition or application requires the submission of additional evidence or a response to a notice of intent to deny, a new 15-calendar-day period will begin upon receipt by USCIS of a complete response to the request for evidence or notice of intent to deny.

The USCIS fee for this service is $1,225. A request for premium processing can normally be submitted with the H-1B petition or at any point in time while the H-1B petition is pending with USCIS.

What does this mean to hiring departments/units/offices at Iowa State University (ISU)?

Premium processing has become a necessity over the past few years as USCIS processing times for first-time H-1B requests have risen to 7-9 months. Without this option, certain new employees requiring H-1B status, or current employees changing to H-1B status, may potentially need to wait until November 2017 or later to begin employment with ISU.

Summary of how various H-1B employees and the hiring timeline are impacted:

- **Individuals outside of the U.S. who need an H-1B visa to enter and begin their work:**
  - The H-1B application process for this person will likely take up to 9 months before they could begin their work.

- **Individuals in the U.S. in a different immigration status, such as F-1 Optional Practical Training (OPT) or J-1 Academic Training:**
  - The H-1B application process for this person will likely take up to 9 months, but this individual may alternative employment options through their current F-1 or J-1 status.
  - ISU employee would abandon the H-1B petition if she or he leaves the U.S. while the petition is still pending with USCIS.

- **Individuals in the U.S. in H-1B status, currently working at another institution:**
  - This individual can begin their work at ISU once USCIS has received the H-1B petition from ISU, or the start date on the H-1B application, whichever is later.
  - The individual can continue working until the H-1B petition is approved, regardless of the duration of the processing time.
  - Issues can arise when H-1B employee wishes to travel internationally.
Individuals already employed by ISU in H-1B status, that need to do an extension of their H-1B status:
  o These individuals can work while the extension petition is pending for up to 240 days.
  o The extension application can be filed up to 6 months in advance of the current expiration date.
  o Issues can arise when H-1B employee wishes to travel internationally.

What other critical information should I consider at this time?

ISSO cannot file an H-1B petition unless the degree on which the petition is based has already been completed. Ideally, there is a diploma but ISSO could also use a letter from the appropriate university’s Registrar’s Office or potentially Graduate College confirming that all degree requirements have been met.

It is not unusual for checks from ISU Accounting to reach ISSO 8-10 work days after the request is submitted.

Who should I contact if I have questions or would like guidance on specific cases?

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College of Agriculture and Life Sciences                      College of Business
College of Design                                               College of Engineering
College of Human Sciences                                      College of Veterinary Medicine
College of Liberal Arts and Sciences                           ISU Administrative Offices
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