

Immigration Alert

Premium Processing Delayed for FY16 Cap-Subject H-1B Petitions

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United States Citizenship and Immigration Services (“USCIS”) will begin accepting cap-subject H-1B petitions on April 1, 2015, for start dates of October 1, 2015 or later. The agency confirmed that it expects to receive more than the congressionally mandated cap of 65,000 plus 20,000 US master’s (or higher) degree holder petitions within the first five business days and will hold a lottery among those to select the petitions to be processed. USCIS also announced that it will begin adjudicating premium processing petitions from lottery “winners” beginning no later than May 11, 2015.

Last year, USCIS announced that premium processing would begin no later than April 28, 2014. This year’s estimated increased delay indicates that USCIS expects an even larger number of petitions than the more than 172,500 received during the FY15 H-1B cap program. We expect many petitioning employers will have to wait until late May to receive a decision on premium processed cases.

Should you have any questions regarding the filing of your H-1B petition or premium processing, please contact your Mintz Levin attorney.



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