

Immigration Alert

Premium Processing of H-1B Extensions Suspended as of May 26

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Late yesterday afternoon, in anticipation of the increased workload to be created by the filing of applications for Employment Authorization Documents (“EADs”) by H-4 spouses of certain H-1B employees beginning May 26, 2015, USCIS announced that as of May 26, it “...will temporarily suspend premium processing for all H-1B Extension of Stay petitions until July 27, 2015.”

USCIS will premium process H-1B Extension of Stay petitions filed with Form I-907 premium requests which were received prior to May 26, 2015. However, there is no assurance that USCIS will adjudicate those petitions within the accelerated period, reasserting their right and obligation to refund the premium processing fee if they do not act on such cases within the 15 day period.

Premium processing remains available beyond May 26 “...for all other Form I-129 H-1B petitions, including petitions subject to the H-1B cap that are requesting a change of nonimmigrant status or consular notification.” This would also appear to allow premium processing of a change to H-1B status by a “cap-exempt” beneficiary or by a “cap-exempt” employer, but we await additional USCIS guidance on this issue.

While the stated purpose of this suspension of service is to “...allow USCIS to implement the [Employment Authorization for Certain H-4 Spouses final rule](#) in a timely manner and adjudicate applications for employment authorization...”, the announcement does not provide any new information about that application process or when to expect the release of the new Form I-765 to be used for these EAD applications by qualifying H-4 spouses.

We will provide an update on the status of premium processing for H-1B extension petitions as soon as USCIS releases further information.

If you have any questions about this issue or the H-1B visa program, please contact your Mintz Levin attorney.



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