

ANNOUNCEMENT

USCIS Temporarily Suspends Premium Processing for H-1B Petitions Starting April 3

On March 3, 2017, the US Citizenship and Immigration Service (USCIS) issued a notice that the premium processing service for H-1B petitions will be suspended effective April 3, 2017, and could last up to six months (September 2017.)

“Premium Processing” is the expedited processing service under which the USCIS assures adjudication of an H1B petition within 15 calendar days if the employer pays an extra \$1,225 premium processing fee. “Normal” processing times for an H1B petition are now in the 6-11 month range. Premium processing can be requested at the time of filing the H-1B petition or it can be upgraded later.

The USCIS notice states that:

- A case filed with a premium processing prior to April 3rd but which is not adjudicated by the USCIS within 15 calendar days after April 3rd will result in the USCIS refunding the Premium Processing fee.
- The USCIS will consider expediting cases filed after April 3rd on a “case by case” basis.

In light of this announcement from the USCIS, the Center for Global Services is requesting all Rutgers departments/hiring units to carefully note the following:

1. Departments that wish to upgrade currently pending H-1B cases must submit a check to CGS for \$1225 by mid-March (3/17) or earlier. CGS will in turn, forward the check along with the executed Form I-907 to request an upgrade
2. Departments currently working on H-1B requests to be submitted to CGS, please submit them as soon as possible. If the request is complete, it takes 3 weeks to prepare initial steps prior to submitting the H-1B petitions to USCIS
3. In future, please submit H-1B requests to the Center for Global Services (CGS) six months before the start date requested.

Eligibility for employment while H-1B petition is pending

Initial H-1B:

Those changing from another non-immigrant category to H-1B status may not begin work for the new employer or continue employment with the employer until an H-1B change of status is approved

H-1B Extensions:

H-1B extension applicants are authorized to work for 240 days while an H-1B extension application is pending. USCIS has been taking more than 240 days for H-1B extensions in recent months, and has not clarified its position on whether employing individuals beyond 240 days is considered a violation of immigration law or not.

H-1B Portability/transfer:

H-1B non-immigrants can also benefit from portability/H-1B transfer which allows them to work for a new employer while a change of employer H-1B petition is pending.

Please note:

- In order to renew a driver's license for a non-immigrant visitor, the State of New Jersey requires to see an approved extension or change of status notice
- Travel may be disrupted while a regular processing application is pending.

For additional information, please visit the following USCIS link:

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

If you have any questions regarding this announcement please contact:

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