

USCIS Announces Suspension of Premium Processing for H-1B Cap Cases To Be Filed Beginning April 1

USCIS announced on March 17, 2020, the temporary suspension of premium processing service for fiscal year (FY) 2021 cap-subject H-1B petitions. Once USCIS begins accepting cap-subject petitions on April 1, we will not be able to request premium processing.

As was done in the past, premium processing will resume in a two-phased approach to allow USCIS to best manage the premium processing requests and help to reduce the overall H-1B processing times. The first phase will include FY 2021 cap-subject petitions, including those eligible for advanced degree exemption, requesting a change of status from F-1 nonimmigrant status. Premium processing for this first phase will resume no later than May 27, 2020. USCIS will notify the public when premium processing will resume. To be eligible for this group, the petitioner must appropriately select response “b” for Item 4 in Part 2 of Form I-129, and indicate “F-1” for Item 5, “Current Nonimmigrant Status” in Part 3 of Form I-129.

The second phase will include all other FY2021 cap-subject petitions, i.e., those that are not F-1 nonimmigrants requesting a change of status to H-1B. Premium processing for this second phase will resume no earlier than June 29, 2020.

PLEASE NOTE: This suspension of premium processing only applies to cap-subject FY2021 H-1B petitions. Premium processing remains available for H-1B petitions that are exempt from the cap, such as extensions of stay and change of employer requests.

We will keep clients advised of premium processing timelines as they are released by USCIS.



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