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News & Types: Immigration Update

IMMIGRATION ALERT - Premium Processing Suspended on all H-1B Petitions

3/6/2017

Practices: Immigration

PREMIUM PROCESSING SUSPENDED ON ALL H-1B PETITIONS

On Friday, March 3rd the US Citizenship and Immigration Services (USCIS) announced that it will suspend premium processing for all H-1B petitions filed on or after April 3, 2017. This will include all:

1. H-1B Quota subject petitions (because the first date to file for the quota is April 3, 2017) submitted under the regular quota and the US Master's Degree exemption;
2. Cap-Exempt H-1B petitions, including extensions, changes of employer, amendments, etc.

On and after April 3, 2017, the USCIS will reject a Form I-907, Request for Premium Processing, filed with an H-1B petition. If the filing fee checks are combined and include the Form I-907 filing fee and the Form I-129 filing fees, the USCIS will reject the Form I-907 and Form I-129.

Additionally, H-1B petitions filed before April 3, 2017 that the USCIS is not able to process within the 15-day processing period, will not be processed with premium processing. The USCIS will refund the Form I-907 filing fee. Therefore, simply filing before April 3, 2017 does not guarantee that the USCIS will process the H-1B petition. It is unclear whether this includes cases on which the USCIS issues a request for evidence.

The USCIS has indicated that it will process petitions on an expedited basis if they meet one or more of the expedited criteria listed here: https://www.uscis.gov/forms/expedite-criteria. This "expedited process" is discretionary.

The USCIS has indicated that premium processing may be suspended for up to six months. At this point, it is unclear whether the USCIS will extend this premium processing suspension to other premium processing eligible programs.

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