UPDATE: H-1B Premium Processing Suspended for 6 Months

On March 6, 2017, USCIS announced that it will suspend premium processing for 6 months. Premium processing is optional expedited review for H-1B petitions. An H-1B petition can choose to include this request, and the required $1,225 fee, which then guarantees a decision from USCIS within 15 calendar days.

The suspension will begin on April 3, 2017 and is anticipated to last until November 29, 2017, in order to make progress on the backlog of non-premium processed cases. UW-Madison has historically relied on premium processing to obtain approvals quickly so new H-1B faculty and staff have the appropriate work authorization document at the start of their appointment. Given that this option will be temporarily unavailable for at least 6 months, hiring departments need to be aware of the implications as described below.

While the suspension has been announced for 6 months, it is not clear if premium processing will become available again after that time.

Current processing times for non-premium processed cases are on average 7-9 months. While there is some expectation that this will change as progress is made on the backlog and that premium processing will be available again as of late November, hiring departments need to plan for this timeline for now. Here is a summary of how H-1B employees and the hiring timeline are impacted:

- **Individuals outside of the US who need an H-1B visa to enter and begin their work:**
  - The H-1B petition process for this person will likely take up to 9 months from the date the petition is submitted before this individual could begin their work.

- **Individuals in the US in a different immigration status, such as F-1 OPT or J-1:**
  - The H-1B petition process for this person will likely take up to 9 months, but this individual would likely have an existing work permission through their current status.
  - Ideally, this individual would have existing work permission with their current status that is valid for at least 9 months after IFSS files the H-1B petition. If premium processing becomes an option again after IFSS files the petition, the Department can choose to upgrade the petition to premium processing at that time. However, we cannot know for sure if this will become an option again after 6 months.
  - If existing current work authorization expires prior to the H-1B approval, a break in service could occur.

- **Individuals in the US in H-1B status, currently working at another institution:**
  - This individual can begin their work at UW-Madison once IFSS files the H-1B petition, or the start date on the H-1B application, whichever is later.
  - The individual can continue working until the H-1B petition is approved, regardless of the duration of the processing time.

- **Individuals already employed by UW-Madison in H-1B status, that need an extension of their H-1B status:**
  - These individuals can work while the extension petition is pending for up to 240 days.
  - The extension petition can be filed up to 6 months in advance of the current expiration date.
  - Individuals in this circumstance should work with their Department 7 – 8 months in advance of their expiration date to prepare the extension petition to be submitted by IFSS as early as possible.

In general, anyone in these categories who is currently in the US is advised to avoid travelling internationally until their H-1B status is approved with UW-Madison. Please consult with IFSS before leaving the United States.

Please contact Katie Tollefson, Assistant Director of IFSS, with questions at katie.tollefson@wisc.edu or (608) 262-1742.

Citation: https://www.uscis.gov/news/alerts/uscis-will-temporarily-suspend-premium-processing-all-H-1B-petitions