

Suspension of H-1B Premium Processing

March 07, 2017

Dear Community Partners,

As you may be aware, on Friday, March 3, U.S. Citizenship and Immigration Services (USCIS) [announced](#) that the agency will suspend Premium Processing for all H-1B petitions filed on or after April 3, 2017. The OIP International Student and Scholar Office will work with anyone impacted by the upcoming policy change, however, we require immediate attention to petitions requiring the premium processing in order to take action prior to the April 3 deadline.

Below are details related to the USCIS update, as strongly recommended by the UNC General Administration legal counsel, submission of documents to assist with submission of the expedited H-1B processing requests prior to the review deadline is needed asap, preferably by Monday, March 13th.

As always, ISSO staff will do their best to support your department. Feel free to contact ISSO director, Mr. Tarek Elshayeb (telshaye@uncc.edu - 704-687-7859), with any general questions. Specific review questions for H-1B consideration can be addressed to ISSO International Scholar Advisor, Ms. Maddy Baer (mbaer2@uncc.edu - 704-687-7744).

As the suspension of premium processing for H-1B petitions may impact the international travel plans of some foreign nationals, ISSO recommends H-1B faculty members to consult with ISSO prior to any international travel commitment.

What does the Suspension of H-1B premium processing potentially mean to you?

For many foreign nationals hired into full-time faculty positions or post-doctoral positions, the University files a petition with USCIS in the category of H-1B. Approval of the petition provides authorization for employment during a specified period of time and subject to the conditions of the underlying Labor Condition Application. If the beneficiary of the petition is in the U.S., no visa application is required to remain in the U.S. and begin employment. If the beneficiary is outside the U.S., he or she must first obtain an H-1B visa at a U.S. consulate abroad before requesting admission to the U.S. Filing petitions on a Premium Processing basis provides an avenue for petitions to be reviewed and acted on by USCIS within 15 calendar days. For positions that need to be filled within short time horizons between offer date and desired start date, Premium Processing is often worth the extra fee expense to the University.

Friday, March 3, U.S. Citizenship and Immigration Services (USCIS) announced that the agency will **suspend Premium Processing for all H-1B petitions filed on or after April 3, 2017**. The announcement is viewable at: www.uscis.gov/news/alerts/uscis-will-temporarily-suspend-premium-processing-all-h-1b-petitions. **USCIS did not provide an end date for the suspension, but indicated that it may last for six months.**

Which H-1B petitions are impacted?

All H-1B petitions are subject to the suspension, regardless of whether the petitioner is an institution of higher education. This includes petitions requesting a change of status to H-1B, consular notification of an approved H-1B petition, or an extension of H-1B status. Further, after April 3, a petitioner cannot request an upgrade to premium processing of a pending H-1B petition until such time as the premium processing service is re-instituted.

How long does regular processing of H-1B petitions take?

Regular processing is currently taking 6-8 months. However, USCIS' goal in suspending premium processing is to relegate additional resources to reduce the time it takes to process H-1B petitions. Thus, we may see a reduction over the course of the next several months in the amount of time USCIS takes to process H-1B petitions.

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What is a department to do now?

- 1- There must be an assessment as to which H-1B petitions must be processed by way of premium processing in order to best ensure a foreign national-employee's uninterrupted authorization to work.
 - a. Primarily, **the suspension will impact those foreign nationals that need to change their non-immigrant status to H-1B in order to be authorized to work by a date that falls within the next six months.**
 - b. Inform ISSO immediately regarding open searches where you are aware of highly-competitive foreign nationals. ISSO will seek to guide you through alternatives to H-1B, if available.
- 2- Please contact Maddy Baer, ISSO International Scholar Advisor, mbaer2@uncc.edu to discuss whether or not premium processing is needed.
- 3- Any upgrade to premium processing for a petition currently pending with USCIS must be received, including a check for the additional fee of \$1,225, by the ISSO office by Monday, March 20, 2017.
- 4- In order to file an H-1B petition before April 3, 2017 with a request for premium processing, ISSO must receive all necessary documentation, forms and checks asap, with preference by Monday, March 13, 2017. Please contact ISSO if you cannot meet this recommended deadline.

Please note that there are certain provisions that will alleviate or limit the impact of this suspension on those foreign nationals that currently hold H-1B status and need to extend their H-1B status or change their H-1B employer.

Thank You

Live. Learn. Be Global.

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