



GMS Flash Alert

Immigration Edition

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United States - Premium Processing for All FY 2020 H-1B Cap Petitions

The U.S. Citizenship and Immigration Services (USCIS) resumed premium processing for all remaining FY2020 H-1B cap cases on June 10, 2019.¹ For prior coverage, see GMS [Flash Alert 2019-075](#) (April 11, 2019).

WHY THIS MATTERS

Employers should consider using the USCIS premium processing service to expedite adjudication for H-1B cap cases requiring notice of urgent approval. This would include any H-1B cap applicants who face the possibility of losing work authorization due to lengthy USCIS adjudication times as experienced in prior H-1B cap cycles. Note, however, for H-1B cap cases that are upgraded for premium processing and quickly approved, the H-1B status can only go into effect after October 1.

Background

Premium processing is an optional service offered by the USCIS that allows for expedited processing of certain employment-based visa petitions and applications.

The USCIS guarantees a 15 calendar-day processing time to those petitioners or applicants who submit a Form I-907, Request for Premium Processing Service, and remit the government filing fee of \$1,410. Under this expedited service, the USCIS must either approve, deny, or issue a request for evidence (RFE) on the application within the 15-day window of receiving the premium processing request.

Special Premium Processing Timeline for FY20 H-1B Cap Petitions

On March 19, 2019, the USCIS announced that premium processing would be offered in two phases. The first phase allows premium processing service for H-1B cap petitions specifically requesting a change of status. The second phase allows for premium processing service for all other H-1B cap petitions (i.e. by consular notification).

Given the significant volume of H-1B cap-subject petitions received by the USCIS within the first week of April, the government gave itself additional time to complete case intake and conduct the randomized-lottery process for case selection before case adjudication. As a result, the USCIS announced that starting on May 20, 2019, the government would begin processing H-1B cap-subject petitions filed with the premium processing request and requesting a change of status.

Petitioners who did not file a premium processing request concurrently with their change of status petitions could submit Form I-907 starting May 20th.

The second phase, allowing premium processing for all other H-1B cap cases not filed as a change of status has now commenced. USCIS introduced this phased approach to ensure efficiency and to avoid full suspension of the premium processing service.

To avoid a delay in approval notice issuance, the USCIS has announced that from June 10 to June 24, USCIS will use only regular mail through the U.S. Postal Service instead of pre-paid mailers provided by the Petitioner, to send out final notices for premium processed cap cases.

KPMG LAW LLP NOTE

KPMG Law LLP in Canada will continue to monitor the situation, and will endeavor to keep *GMS Flash Alert* readers informed as developments occur.

FOOTNOTE:

1 See: <https://www.uscis.gov/news/alerts/premium-processing-begins-remaining-h-1b-cap-subject-petitions-june-10>

Contact us

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