

15 day premium processing for H-1B applications begins on Monday

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Lubna Kably | TNN | Updated: Jun 8, 2019, 17:25 IST

MUMBAI: The United States Citizenship and Immigration Services (USCIS) announced on Friday night, that it will begin premium processing for all remaining H-1B cap applications from June 10.

TOI had in its edition dated March 21, covered an earlier announcement by USCIS, that the immigration agency will offer premium processing in a two-phased approach to better manage these requests.

The first phase, which began on April 1, covered those H-1B cap applications filed for fiscal 2020 (year commencing October 1, 2019) that involved a change of status. It covered students currently holding F-1 visas and working under an optional training program (OPT) where the employer has sponsored them for H-1B work visas. The second phase was to begin in June.

Now, with this announcement, sponsoring employers who have filed H-1B cap applications, that did not entail a change of status, can upgrade to premium processing, by paying a fee of \$1,410. This ensures adjudication of the application within 15 days.

Emily Neumann, partner at Reddy & Neumann, an immigration law firm explains, "Once the 1-907 (form requesting premium processing) is received by the USCIS, the 15 day clock begins ticking. USCIS is required to either approve the application or issue a Request for Evidence (RFE) within 15 days. If an RFE is issued, the 15 day clock begins again once USCIS receives the information asked for under the RFE."

For the fiscal 2020 season, which would permit successful visa applicants to work in the US earliest from October 1, USCIS had received 2.01 lakh applications against an annual quota of 85,000 (20,000 being reserved for the Master's cap covering those who have qualified from US Universities). This overflow, as in earlier years, entailed random selection via a lottery.

"For employees who are coming from outside the US, premium processing will offer a great deal of comfort in knowing where a case stands. If the application is denied, which is quite common these days, there will be enough time to appeal or litigate it before the October 1, start date," Rajiv S. Khanna, managing attorney at Immigration.com told TOI.