
H-1B Extensions Suspended, H-4 EAD Update, 2016 H-1B Cap Update

May 21, 2015

USCIS Temporarily Suspends Premium Processing for H-1B Extensions

Starting May 26, 2015, U.S. Citizenship and Immigration Services (USCIS) will temporarily suspend premium processing for all H-1B Extension of Stay petitions until July 27, 2015. During this time frame, petitioners will not be able to file Form I-907, Request for Premium Processing Service, for a Form I-129, Petition for a Nonimmigrant Worker, requesting an extension of the stay for an H-1B nonimmigrant. USCIS will continue to premium process H-1B Extension of Stay petitions filed with Form I-907 premium requests prior to May 26, 2015.

This temporary suspension only applies to Form I-129, Petition for a Nonimmigrant Worker, requesting an extension of the stay of the H-1B. At this time, we believe this temporary suspension does not apply in any of the following circumstances:

- A request for a change of status from a different non-immigrant classification into H-1B status;
- An amendment of a previously filed Form I-129, Petition for a Nonimmigrant Worker that does not request an extension;
- Form I-907, Request for Premium Processing Service, is filed to upgrade a new 2016 CAP H-1B case to premium processing;
- Form I-129, Petition for a Nonimmigrant Worker, is filed with a request for consular notification or port of entry notification; or
- Any non-H-1B application otherwise eligible for premium processing (L-1, TN, etc.).

H-4 EAD Update

On February 24, 2015, the Department of Homeland Security (DHS) confirmed that it will allow employment authorization to certain qualifying spouses of temporary H-1B workers, beginning May 26, 2015. See [Clark Hill's Immigration Update](#) issued on February 25, 2015 for more details.

On May 20, 2015, DHS issued [H-4 EAD Filing Guidelines](#) and an [H-4 EAD FAQ page](#). These pages offer information on eligibility requirements, filing requirements, necessary documentation, and processing times. H-4 EAD applications can be received no sooner than May 26, 2015. Currently, the processing time for Form I-765 is 90 days. If you are interested in filing an H-4 EAD application, please contact a member of the [Clark Hill Immigration Team](#).

2016 H-1B CAP Update

On April 7, 2015, US Citizenship and Immigration Services ("USCIS") announced that between April 1, 2015 and April 7, 2015, USCIS received more than enough applications for new H-1B visas for the 2015 fiscal year. USCIS announced on their [webpage](#) that nearly 233,000 H-1B petitions were received during the filing period. On April 13, 2015, USCIS used a computer-generated random selection process to select enough petitions to meet the 65,000 general-category cap and the 20,000 cap under the advanced degree exemption. USCIS will reject and return all unselected petitions. It is unclear whether USCIS has finished receipting accepted H-1B petitions or when they will begin to return unselected petitions. A Clark Hill Immigration team member will notify all H-1B CAP petition beneficiaries, for whom we filed an H-1B application, of any decision reached on the case.