
USCIS Temporarily Suspending Premium Processing of All H-1B Petitions

By Michael P. Nowlan, James E. Morrison / Mar 06, 2017

Starting April 3, 2017, United States Citizenship and Immigration Services (USCIS) will temporarily suspend premium processing for all H-1B petitions. The temporary suspension applies to **all** H-1B cases, including H-1B extensions and petitions filed in the H-1B lottery for this year. While premium processing is suspended, USCIS will reject any Form I-907 filed with an H-1B petition. USCIS stated that the suspension may last up to six months and that they will notify the public before resuming premium processing for H-1B petitions. This temporary suspension is only for H-1B petitions. A link to the USCIS announcement can be found [here](#).

Premium processing provides expedited processing for certain immigration petitions. For an additional filing fee of \$1225, premium processing expedites adjudication to 15 calendar days. Under regular processing, H-1B petitions can take several months.

H-1B Filing Season to Begin April 3, 2017 - Lottery is Anticipated

Employers are reminded to identify new candidates who will require new H-1B sponsorship as soon as possible to ensure that these applications are accepted for processing. April 3, 2017 is the first date that an employer is able to file and have an H-1B petition received on behalf of a foreign national who has not held H-1B status before. Employees with approved H-1B petitions will be able to begin work in that status on October 1, 2017. This year all new H-1B applications must be received by USCIS between April 3rd and April 7th. All cases received during these dates will be treated as received on April 1st.

The H-1B is a frequently used temporary work visa for professional positions. Generally, there are only 65,000 H-1Bs available per year. There are an additional 20,000 H-1Bs available for candidates with a Master's Degree or higher from a U.S. university. If USCIS receives more than enough petitions in the first five days of processing, there will be a computer generated random selection process to choose which H-1B petitions will be accepted for processing. In 2016, USCIS received over 230,000 applications in the first five days of processing and a lottery was held to select the 65,000 H-1B visas and the additional 20,000 H-1B Master's Degree visas. It is anticipated that a lottery will occur in 2017 as well.

While there have been numerous reports regarding proposed new H-1B regulations and changes President Trump's administration and Congress would like to implement, there have not been any changes to the H-1B program at this time. Significant changes to the H-1B program would take a new law or regulations, and we believe neither of these is likely before October 1, 2017.

Foreign nationals who work for a non-profit research organization, an institution of higher education, or work furthering the purposes of either of these, or who have used a cap subject to H-1B in the past six years, are exempt from the H-1B quota. For more information on H-1Bs, see the [Clark Hill website](#).

President Trump Issues Two More Executive Orders

On February 9, 2017, President Trump issued two more Executive Orders (EO). The first EO creates a task force aimed at crime reduction and public safety. While this EO is not aimed specifically at immigration policy, the task force has been charged with developing strategies to reduce crime, in particular, undocumented immigration, drug trafficking, and violent crime. The EO can be found [here](#).

The second EO calls for enforcing federal law as it pertains to transnational criminal organizations and preventing international human trafficking, and specifically mentions strengthening enforcement as it pertains to the illegal smuggling and trafficking of humans. The EO can be found [here](#).

Targeted ICE Enforcement

Our office has received reports that US Immigration and Customs Enforcement (ICE) has commenced targeted enforcement actions focused on three groups of individuals:

1. Fugitives - those with an outstanding order of removal;
2. Individuals who have reentered the US after deportation; and
3. At large criminal foreign nationals - anyone with a criminal conviction, including felonies, DUIs, or non-violent offenses - could be subject to enforcement.

Please note that these new priorities are broad and at this time it is unclear how many cities or localities are being targeted.

For more information, please contact James E. Morrison at (202) 572-8670 | jmorrison@clarkhill.com, Michael P. Nowlan at (313) 965-8666 | mnowlan@clarkhill.com, or another member of Clark Hill's Immigration Practice.