



U.S. Citizenship and Immigration Services

Final Guidance on When to File an Amended or New H-1B Petition After Matter of Simeio Solutions, LLC

On April 9, 2015, the precedent decision Matter of Simeio Solutions, LLC (Simeio) was issued. This decision represents the USCIS position that H-1B petitioners are required to file an amended or new petition before placing an H-1B employee at a new place of employment not covered by an existing, approved H-1B petition.

On May 21, 2015, USCIS issued draft guidance on this topic and solicited public comment regarding the implementation of Simeio. After reviewing and carefully considering the feedback submitted, USCIS is now issuing Policy Memorandum 602-0120, USCIS Final Guidance on When to File an Amended or New H-1B Petition After Matter of Simeio Solutions, LLC.

PM-602-0120 is effective immediately. Please note, while this final guidance responds to many of the comments received, some suggestions and inquiries were outside the scope of Simeio and, therefore, are not addressed in this document. USCIS will consider addressing those remaining questions, as necessary, in the near future.

Last Reviewed/Updated: 07/21/2015