



U.S. Citizenship and Immigration Services

USCIS Announcement Regarding Premium Processing for H-1B Cap-Subject Petitions

The filing period for H-1B petitions subject to the fiscal year (FY) 2014 numerical cap begins on April 1, 2013. USCIS anticipates that it may receive more than 65,000 cap-subject H-1B petitions and more than 20,000 petitions filed on behalf of individuals with a U.S. master's degree or higher between April 1, 2013, and April 5, 2013. This could be the first time since April 2008 that the H-1B cap will require a lottery.

USCIS provides premium processing service for certain employment-based petitions and guarantees a 15-calendar-day processing time. Due to the historic premium processing receipt levels, combined with the possibility that the H-1B cap will be met in the first 5 business days of the filing season, USCIS has temporarily adjusted its current premium processing practice. To facilitate the prioritized data entry of cap-subject petitions requesting premium processing, and in accordance with 8 CFR 103.7(e)(3)(ii), USCIS is announcing that premium processing for cap-subject H-1B petitions, including H-1B petitions seeking an exemption from the fiscal year cap for individuals who have earned a U.S. master's degree or higher, will begin on April 15, 2013.

USCIS will continue to accept [Form I-907, Request for Premium Processing Service](#), with fee, concurrently with the [Form I-129, Petition for Nonimmigrant Worker](#), during the time period that premium processing is unavailable - from April 1 to April 14, 2013. Petitioners may also upgrade a pending H-1B cap petition to premium processing once a receipt notice is issued. All requests for premium processing received between April 1, 2013, and April 14, 2013, will be adjudicated when premium processing begins on April 15, 2013.

While the Form I-797 receipt notice may indicate the date that the premium processing fee is received, the 15-day processing period set by 8 CFR 103.7(e)(2) will not begin until April 15, 2013. The 15-day processing period for premium processing service for H-1B petitions that are not subject to the cap, or for any other eligible classification, continues to begin on the date that the request is received.

Last updated:03/15/2013

[Plug-ins](#)

