

Indian IT companies look to benefit from fresh H-1B visa process

BY SHILPA PHADNIS, TNN | UPDATED: SEP 20, 2017, 10.11 AM IST



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The US has resumed premium processing of H-1B work visa petitions, six months after it was suspended in March to clear the backlog of long-pending petitions. This will help [Indian IT companies](#), who are the biggest users of these visas, to better plan their projects and deal with exigencies.

Companies use premium processing to expedite the processing of H-1B petitions paying \$1,225, in addition to the regular filing fee of over \$4,000. The US Citizenship and Immigration Services (USCIS) guarantees processing these petitions within 15 calendar days.

Vikram Shroff, lead for HR law at law firm Nishith Desai Associates, said, the latest move brings back on track the H-1B visa programme and allows Indian IT companies to fast track applications to meet urgent client deliverables. Stephen Yale-Loehr, professor of immigration law practice at Cornell Law School, said companies are very glad that premium processing has resumed. "Normal processing times for H-1B petitions can be several months. By paying the premium processing fee, companies and employees can get an answer in 15 days. This helps companies and employees better plan, especially on time-sensitive projects," he said. He estimates that more than half of H-1B applications use premium processing.

Cyrus D Mehta, managing partner of New York-based Cyrus D Mehta & Partners, said, the employment start date for applicants this fiscal is October 1, "and so by expediting the case under premium processing, the employee can start work on October 1 itself."

In March, USCIS had suspended premium processing in order to "process long-pending petitions, which we have currently been unable to process due to the high volume of incoming petitions and the significant surge in premium processing requests over the past few years."

In its statement on Monday, the USCIS has clarified that the resumption of premium processing is only available for pending petitions, not new submissions, since it received enough petitions in April to meet the fiscal year 2018 cap of 65,000 visas. Mehta also noted that H-1B renewals cases or amendments (based on changes in job sites with the same employer) can still not be filed under premium processing. US-based NPZ Law Group, too, noted that premium processing remains temporarily suspended for all other H-1B petitions, such as extensions of stay.

USCIS said in its statement that it plans to resume premium processing for all other remaining H-1B petitions not subject to the FY 2018 cap, as agency workloads permit.

"However, remaining petitioners may submit a request to expedite their application if they meet the specific agency criteria," it said. USCIS may expedite a case under several criteria, including severe financial loss to company or person, an emergency situation, and humanitarian reasons.