



March 12, 2019

## March 2019 Special Immigration Alert

### USCIS Will Reinstate Premium Processing for All H-1B Petitions

On March 11, 2019, U.S. Citizenship and Immigration Services (“USCIS”) [announced](#) that it will open premium processing for all H-1B petitions beginning March 12, 2019. As a result of this announcement, even H-1B petitions being prepared for the upcoming fiscal year 2020 H-1B cap are allowed to be premium processed.

Upon the payment of an additional \$1,410 filing fee, premium processing allows a petition to be adjudicated within 15 calendar days after it has been received by USCIS. With current H-1B adjudication times taking approximately eight to 12 months, premium processing may be advantageous—or, under certain circumstances, mandatory—for H-1B petitions requiring expeditious approval due to (i) the maintenance of ongoing H-1B work authorization; (ii) other government benefits relying on H-1B status maintenance, such as state driver’s licenses; and (iii) international travel requiring new H-1B visa issuance before being allowed to reenter the United States. Depending on each company’s internal policy, premium processing may be paid by either the employer or the H-1B employee.

### USCIS Updates the Form I-539 That Must Be Used for Any Family-Based Derivative Applications

On March 5, 2019, USCIS [announced](#) that, as of March 22, 2019, it will accept for filing only the Form I-539 (Application to Extend/Change Nonimmigrant Status) with the edition date of “02/04/19.” (The new Form I-539 is available at [the USCIS website](#).) Form I-539 is used for H-4, L-2, TD, E-3D, E-2 family derivative, B-1, B-2, O-3, and F-1 applicants. A Form I-539 with an edition date earlier than 02/04/19 that is filed on or after March 22, 2019, will be rejected and returned to the applicant.

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If you have any questions regarding this Alert or any other U.S. immigration issues, please contact Epstein Becker Green’s immigration team:



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