

H-1B Processing Time

Published on Office of International Students & Scholars (<https://oiss.yale.edu>)

H-1B Processing Time

As the H-1B process is more complicated than other immigration statuses, the processing time is long and sometimes unpredictable. There are two separate government agencies involved in H-1B visa sponsorship: the U.S. Department of Labor (DOL) and the United States Citizenship and Immigration Services (USCIS).

The total processing time involves three stages:

1. **Yale/OISS:** The hiring department at Yale must initiate the H-1B application process on behalf of the scholar, and then provide (in coordination with the scholar) the required documentation to OISS.
2. **U.S. Department of Labor (DOL):** the DOL process, completion and submission of the Labor Condition Application (LCA) must be completed prior to submitting the H-1B petition to USCIS, but may not start more than 6 months prior to the requested H-1B start date.
3. **United States Citizenship and Immigration Services (USCIS):** submitting the H-1B petition to USCIS is the only step that can be expedited.

Processing Time Using Premium Processing

The entire process generally takes about four months using premium processing (for an additional fee of \$2,965). Premium processing only affects the adjudication of the USCIS petition and guarantees a response within 15 business days once the application has been received. USCIS responses are returned using regular mail which will take an additional approximately 7-10 business days for OISS to receive.

Processing Time Without Premium Processing

Normal processing can take as long as 8-10 months.

Potential Delays

USCIS processing times, which can change without notice, may also be longer if:

- the petition receives a Request For Evidence (RFE)
- the petition is submitted during peak season

When to Start the Process

Per H-1B regulations, the H-1B processing can start at the earliest six months prior to the requested start date. Even with this advanced planning, it may be necessary for the department to pay the premium processing fee to accommodate appointment starts and/or scholar travel.

Additional Considerations

- While the Department of Labor will not allow H-1B processing to begin earlier than six months prior to the start date, OISS recommends submitting all materials to OISS **at least seven months in advance** to be officially part of the OISS processing queue. OISS advisers prioritize all H-1B requests in order of the employees' current status end dates and the date OISS receives the request for the H-1B petition.
 - **Yale employee H-1B extensions:** It is not always necessary to use Premium Processing for extensions, since in most cases the employee can continue to work while the application is pending. Remember that preparation time can still take about 3-4 months even for an extension.
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- **H-1B inside the U.S. with another employer:** It is not always necessary to use Premium Processing for a change of employer, since in many cases the employee can continue to work while the new Yale application is pending. However, there are specific conditions that must be met. The process is called [Portability \(Changing Employers\)](#). [1]

Source URL: <https://oiss.yale.edu/for-departments/inviting-a-scholar/next-steps-for-h-1b/h-1b-processing-time>

Links

[1] <https://oiss.yale.edu/immigration/h-1b-temporary-worker/scholar-resources/changing-employers>