H-1B Processing Time

Because the H-1B process is more complex than other immigration statuses, the processing time is long and sometimes unpredictable. Additionally, the H-1B application process has slowed significantly due to changes in how the United States Citizenship and Immigration Services (USCIS) adjudicates each application.

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: The hiring department at Yale must initiate the H-1B application process on behalf of the scholar they wish to sponsor, and then provide (in coordination with the scholar) the required documentation to OISS.
2. U.S. Department of Labor (DOL): the DOL process 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): this is the only step that can be expedited.

Normal Processing Time

Normal processing can take as long as 10 months due to delays in any one of the three stages.

Premium Processing Time

The entire process generally takes at least four months using premium processing ($2500.00).

Potential Delays

Please note that processing times may also be longer because of one or more of the following:

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

Furthermore, all USCIS processing times can change without notice.

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 premium processing ($2500.00) due to processing delays or scholar travel.
Additional Considerations

- **Premium Processing:** Premium Processing, at an additional $2500 USCIS fee, [1] will expedite the USCIS phase while this service is available.
- 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 beneficiaries' current status end dates and the dates of their request submission to meet timely petition submission deadlines.
- **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 with an extension.
- **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). [2]

Source URL: https://oiss.yale.edu/immigration/h-1b-temporary-worker/department-overview/h-1b-processing-time

Links
[1] https://oiss.yale.edu/immigration/h-1b-temporary-worker/department-resources/fee-requirements