H-1B Processing Time

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). Total processing time includes Yale preparation (host department, H-1B beneficiary, OISS), DOL and USCIS. 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. The only step that can be expedited is the last phase either at or after the H-1B petition is submitted to USCIS.

Please note that processing times can be longer should a petition receive a Request For Evidence (RFE). Furthermore, all USCIS processing times can change without notice.

Additional Considerations

- **Premium Processing**: Premium Processing, at an additional $1,440 USCIS fee, [1] will expedite the USCIS phase while this service a is available. Note: over the past few years (e.g. in the busy USCIS spring season) USCIS has suspended their Premium Processing service temporarily. When suspended, the H-1B petition will be submitted by OISS using regular processing. If/when Premium Processing returns and is required or requested by the Yale sponsoring department, OISS will submit an upgrade request to the pending petition to Premium Processing. In the scenario where Premium Processing is suspended, OISS cannot predict when H-1B petitions will be approved at the time of the original submission. Therefore it is critical to submit materials for any H-1B request (initial or extension) as soon as possible.

- 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 (initial or extension) as soon as possible.

- **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. However, OISS recommends using Premium Processing in most cases to ensure getting the extension quickly [2].

- **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), [3]
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