



BROWN

IMMIGRATION LAW

What You Missed This Summer and What Employers Should Expect Next

Thank you to everyone who joined us for yesterday's webinar. Below, you'll find answers to several questions submitted during the presentation. You can access the full recording and presentation slides [here](#).

Q: Can you please go into further detail on who the \$103K fee would apply to and not apply to if implemented?

A: I clarified that the fee as proposed applies to all FY 2027 Cap H-1B filings.

Q: What is the latest about O-1s being delayed adjudication? We have one pending for weeks with Premium Processing with no response

A: We've also encountered a number of cases that are taking longer than normal PP and that a majority are O-1s, but we've seen H and L as well - there's clearly a systemic processing issue in meeting the PP deadline. We are not at this time recommending a refile or any other action. Requesting congressional help is an avenue to try and enlist help.

Q: Will USCIS eventually make e-filing mandatory for H-1Bs? and how will this impact dependents?

A: Yes - they are pushing to make all filing electronic starting in October - so this is coming.

Q: Generally speaking in light of the worldwide halt to immigrant visa appts, should we select "Applicant will adjust status in the US" on Form I140, or can we still select consular processing to keep that option open

A: Good question - if your approach is to keep options open then you can still do so and make a decision closer to the point where someone is getting the green card (where they would file the I-485 or CP).

If you have questions about the topics discussed during the webinar or would like to speak with our team about your specific immigration needs, please contact us.

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