



U.S. Citizenship
and Immigration
Services

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Chapter 5 - Requests to Expedite Applications or Petitions

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Immigration benefit requestors may request that USCIS expedite the adjudication of their applications or petitions. USCIS considers all expedite requests on a case-by-case basis and generally requires documentation to support such requests. The decision to grant or deny an expedite request is within the sole discretion of USCIS.^[1]

Expedite Criteria or Circumstances

On or after June 9, 2010,^[2] USCIS may expedite a benefit request if it falls under one or more of the following criteria or circumstance:

- Severe financial loss to a company or person, provided that the need for urgent action is not the result of the petitioner's or applicant's failure: (1) to timely file the benefit request; or (2) to timely respond to any requests for additional evidence;^[3]
- Emergencies and urgent humanitarian reasons;^[4]
- Nonprofit organization (as designated by the Internal Revenue Service (IRS)) whose request is in furtherance of the cultural and social interests of the United States;^[5]
- U.S. government interests (including urgent cases for federal agencies such as the U.S. Department of Defense, U.S. Department of Labor, DHS or other public safety or national security interests);^[6] or
- Clear USCIS error.

Severe Financial Loss as a Basis for Expedited Treatment

A company can demonstrate that it would suffer a severe financial loss if it is at risk of failing, losing a critical contract, or required to lay off other employees. For example, a medical office may suffer severe financial loss

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How to Get a Green Card Ilona Bray, 2022-07-26 A step by step guide to obtaining U S residency by various non work related means such as political asylum the visa lottery or a family member **Immigration Practice - 15th Edition** Robert C. Divine, 2014-06-01 Immigration Practice guides readers through all aspects of immigration law in one volume complete with over 3 000 footnote citations to the wide range of statutes regulations court and administrative cases policy memos operations instructions agency interpretive letters and internet sites that a lawyer needs for complete understanding of a particular problem No other source merges the practical with commentary and analysis so helpfully The book explains in understandable language and meaningful and dependable detail the substantive issues and the practical procedures a lawyer needs to handle a specific immigration matter complete with checklists of forms supporting evidence and other strategies needed for application petition packages The book has unparalleled coherence integration and consistency Liberally cross references to other sections in the book where related topics are discussed because so many topics are interrelated Line by line instructions on how to complete the most commonly used forms to avoid embarrassing mistakes Lists the contents of packages to file with government agencies forms and fees detailed support letters and other supporting evidence Explanations of potentially applicable visa options organized according to the attributes of the foreign national and the employer rather than classifications in alphabetical order so that practitioners can make sense of options in light of the client in the office Comparisons and charts of attributes and procedures of such topics as nonimmigrant visa classifications procedures to permanent residence and standards of extreme hardship Citations throughout the book and collection in the extensive CD ROM Appendix to primary source materials and the most useful Internet site URLs with explanation of the increasingly helpful free databases and tools available through each one Internet Links Constantly increased and updated links to government web sites containing current contact information forms primary law sources of all types case status information and processing and substantive guides all referenced by pinpoint citations in the text See Chapter 5 explaining sources of law Appendix C and D 1 showing web links and the CD ROM in the back cover providing one click access Readers are strongly encouraged to review and use the CD ROM and to consider saving Appendix C D 1 and E 1 into their hard drives or saving the links to their internet browser favorites or bookmarks for ready reference all the time Upgraded removal related treatment significant improvements to Chapters 10 11 and 16 by attorney who has worked for immigration courts several years Supreme Court decisions effects of limited marijuana distribution offense as aggravated felony 10 6 b 1 vi tax offenses as aggravated felonies 10 6 b 1 vi rejection of comparable grounds rule for 212 c eligibility 10 6 b 1 vii modified categorical approach applies only to divisible statutes 10 6 b 2 i non retroactivity of Padilla decision 10 6 b 2 vi rejection of the statutory counterpart rule for 212 c waivers 11 5 f invalidation of the Defense of Marriage Act 14 7 a 2 i non imputation to child of firm resettlement of parents 16 4 c Lower federal court decisions concerning such issues as recognizing a

beneficiary to have standing to challenge a USCIS petition denial 2 2 a 1 I reviewability of good moral character determinations and other 2 2 a 1 I court order of USCIS to speed up FOIA certain responses 4 2 CBP FOIA process 4 2 DOL case disclosure data 4 5 need to exhaust remedies under DHS TRIP to challenge inclusion on watch list 10 3 CIMT crime determinations 10 6 b 1 iii effect of a single firearm sale 10 6 b 1 vi 212 h waiver eligibility in regard to post entry adjustment but not as to stand alone request 10 6 b 3 interference with police helicopter using laser light as CIMT 10 6 c whether post entry adjustment is an admission for 212 h waivers 10 6 b 3 whether there is an involuntariness or duress exception to the terrorism support bar 10 6 c enforcement of I 864 financial support obligations 10 6 d 2 mandatory bond hearing after six months of detention 11 3 f ICE detainers found to lack authority 11 3 g representation in immigration court at government expense for aliens with serious mental disabilities 11 4 g stop time and petty offense exceptions relating to cancellation of removal 11 5 f revelation of the BIA s erroneous reliance for decades on nonexistent provisions of Mexican Constitution affecting legitimation issues 12 3 d 3 rejection of BIA s rule against nunc pro tunc adoption orders 14 7 b 3 invalidation of FSBPT efforts to restrict applicants from certain countries to sit for physical therapy exams 15 2 c 2 use of impeachment evidence only to terminate asylum 16 2 b asylum claims of German homeschoolers and mixed motive cases 16 4 a 3 social group asylum claims 16 4 a 3 expansive implications of inconsistencies in testimony 16 4 a 4 particularly serious crimes barring asylum claims 16 4 c special asylum procedures for unaccompanied children 16 4 c adjustment eligibility of alien who entered without inspection and then obtained TPS 16 7 a 6 eligibility of after acquired spouse under Cuban Adjustment Act 16 7 e preempted state law provisions aimed at aliens employers and landlords 19 4 l 3 BIA decisions on such issues as what constitutes a drug trafficking crime 10 6 b 1 iv implications of child pornography conviction 10 6 b 1 vi possession of ammunition by a convicted felon 10 6 b 1 vi availability of stand alone 212 h waiver without adjustment application 10 6 b 3 service of NTA on a minor 11 3 b service of NTA and other safeguards for aliens with serious mental conditions 11 4 g approval of administrative closure of removal cases 11 5 d termination of asylum then removal and relief in proceedings 16 2 b relocation issues in asylum claims 16 4 a 3 Regulations government policy memorandums other decisions and government web site enhancements concerning such matters as differing government renderings of single name for certain persons 1 6 a 3 USCIS refusal to accept stamped signatures for attorneys on G 28 1 6 a 3 USCIS use of bar codes for forms and danger of making marginal notes on forms 1 6 a 3 USCIS use of customer completed e Request Service inquiries 2 2 a 1 F movement of all visa processing to the electronic CEAC system 2 3 a replacement of the CBP Inspectors Field Manual with the Officer s Reference Tool and the beginning effort to replace the USCIS Adjudicators Field Manual with the online Policy Manual 5 4 replacement of the paper I 94 card for air and sea entries with an automated online I 94 record 7 4 b and other sections new section on Other Redress for Adverse Results on visas and admissions 7 4 c 14 the radical implications of Matter of Arrabally and Yerrabelly concerning the effects of departure under advance parole 8 7 d 2 i and 10 6 f modernization of the immigrant

visa process 8 8 new Provisional Unlawful Presence Waivers within the U S using Form I 601A 10 6 f exception to false claim to U S citizenship inadmissibility if claim made before individual was age 18 10 6 g EOIR Online representative registration system 11 3 e ICE Parental Interests Directive and ICE eBOND online bonding process 11 3 f ICE non renewal of 287 f agreements 11 3 g Deferred Action for Childhood Arrivals 11 3 h 3 ICE recognition and implementation of statute allowing post removal challenges 11 8 b new USCIS Policy Manual provisions on naturalization eligibility and process including residence selective service 319 b special rules and other issues and new N 400 form and instructions Chapter 12 Government side implementation of the Supreme Court s recognition of same sex marriage various chapters exceptional circumstances allowing foreign country filing of I 130 petitions where no USCIS office is located 14 5 a implications of a withdrawn I 140 15 1 h various policy developments concerning EB 5 investors 15 2 f numerous BALCA cases and DOL positions affecting the PERM labor certification process and the publication of data about applications 15 3 updated Affirmative Asylum Procedures Manual 16 3 a USCIS memo on exceptional circumstances for failure to appear at asylum interview 16 3 a 1 iii litigation settlement agreements to share asylum officer interview notes in FOIA 16 3 a 2 concerning asylum applicant work authorization process and Clock 16 3 c and failure to appear at I 730 interview 16 3 f bundling of related L 1 petitions 17 3 b 4 i presumed L 1 visa validity for maximum reciprocity duration but sometimes more limited stays from CBP 17 3 b 7 filing I 129 petition for Canadian TN and duration of Mexican TN separate from visa validity 17 4 c 2 ii H 1B and H 2A flip flopping administrative and congressional positions 17 4 d and 17 5 e 1 B 1 in lieu of H in effect but under review 18 3 1 2 B accreditation requirements for F 1 language training programs 18 4 d 1 cessation of CBP stamping of I 20 forms 18 4 d 3 use of electronic ELIS system for certain changes of status 18 4 d 4 new cap gap and STEM OPT extension policies 18 4 d 9 iii possible need for separate waivers for different J experiences subject to 212 e 18 5 b 2 ix revisions to M 274 Handbook for Employers for I 9 USCIS I 9 Central web site and IRS tightening of ITIN application process 19 4 b ICE policies about auditing electronically generated I 9 forms 19 4 h OCAHO reductions of ICE I 9 fines on employers 19 4 j ICE definition of technical and procedural errors subject to correction under good faith rules 19 4 j USCIS revision of E Verify MOU and new notice to workers about TNC resolution expansion of E Verify photo tool and lock out of suspect SSNs from E Verify 19 4 l 1

Immigration Procedures Handbook Austin T. Fragomen, Alfred J. Del Rey, Steven C. Bell, 2007 **Immigration Practice**, 2010 The Army Lawyer, 2005 **H-1B Handbook** Steven C. Bell, 2005 *Navigating the Fundamentals of Immigration Law*, 2010

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