



WHY IS YOUR CASE TAKING SO LONG? USCIS PROCESSING DELAYS REMAIN AT CRISIS LEVELS

Why Hasn't Your Case Been Decided Yet?

Nationwide, you and millions of families, businesses, and individuals applying for immigration benefits are waiting longer for U.S. Citizenship and Immigration Services (USCIS) to process and approve applications and petitions.

Based on previously available USCIS data¹, in Fiscal Year (FY) 2014, an average case took about five months to process. In FY2020, an average case took more than nine months. Those extra months of waiting halt business operations, keep families separated, and jeopardize lives.

Who Is Affected?

Anyone who files applications or petitions with USCIS is affected. You and other people applying for family-based benefits, employment-based benefits, naturalization, travel documents, and employment authorization are all experiencing delays. Between FY2017 and FY2019, USCIS's processing times for all petitions and application form types rose more than 37%.

The dramatic increase in processing times occurred even though USCIS experienced a ten percent drop in cases received from the end of FY2017 to FY2019. Amidst the COVID-19 pandemic, USCIS processing times have continued to rise from FY2019-FY2021.

Processing times for common form types illustrate just how dire the situation is:

FROM FY2017 TO FY2021

- Processing times for all I-539 applications to change or extend status **rose from about 2.8 months to 9.8 months ▲%250**
- Processing times for family-based adjustment of status (I-485) applications **rose from 7.9 months to 13.2 months ▲%67**
- Processing times for naturalization applications (N-400) **increased from 7.9 months to almost an entire year, 11.6 months, nearly ▲%47**

Why Are Cases Taking Longer?

Many factors can slow down your case, including inefficient processing, understaffing, and changes in policy due to the COVID-19 global pandemic. During the last administration, USCIS implemented many new policies designed to restrict legal immigration and delay processing. For example, one policy required USCIS officers to conduct duplicate reviews of past decisions, adding unnecessary work to each case. Another example was the imposition of a fingerprinting requirement for certain I-539 applicants. While the current administration has made some helpful changes, including to the noted policies, the COVID-19 pandemic has contributed to continued slowdowns.

For example, from March through July 2020, USCIS closed its offices for interviews and biometrics appointments, creating a backlog, especially for biometrics appointments. Many applications, like I-765 applications for Employment Authorization Documents (EADs), cannot be adjudicated before biometrics are taken.

What Can I Do?

- Make sure your lawyer has your current contact information.
- Work with your lawyer to file applications and petitions as early as allowed under the law, especially for cases where premium processing is not available. Many application renewals may be submitted up to 180 days prior to expiration.
- Expect USCIS processing to take longer than desired, no matter what type of application you are filing. Your lawyer can guide you and help plan for delays. Sometimes, the only option is to await government action. In other cases, some tactics to address delays could include:
 - Filing a petition or application to safeguard your status in the U.S.
 - Asking USCIS to expedite your case if you qualify or if applicable, pay to premium process your case.
 - Talking to your Congressman's office for assistance.
 - Filing a lawsuit to force USCIS to act on your case.

If you have questions regarding your case, we encourage you to contact our office at The Dutta Law Firm at (212) 495-9089.