Federal Immigration Officials Expediting Processing Times for Key Green Card Documents

Insights
3.01.22

Employers have reason to be thankful as federal immigration officials have taken steps in recent days to improve processing times for Employment Authorization Documents (EADs) for green card applicants. Fisher Phillips learned of the streamlined action from our liaison at the U.S Citizenship and Immigration Services (USCIS) in late February, which is described as a deliberate effort to become more efficient in clearing the EAD application backlog. What do employers need to know about this welcome development?

Background

When an individual submits an Application for Adjustment of Status to Lawful Permanent Residence, or, "green card," they are eligible to submit two accompanying applications: one for an EAD work card, and another for an Advance Parole (AP) travel document. Ordinarily, USCIS will approve these two applications on a combined document. This coupling of applications requires USCIS to process both matters before issuing an approval.

Recent Change

In recent days, however, USCIS has been issuing approved EADs requested as part of an Adjustment of Status Application, but without an accompanying Advance Parole (AP) travel annotation included. This process change should allow the Service to handle EAD applications more quickly.

Reason for the Change

EAD processing has been significantly backlogged for several years. As noted above, this change was designed to assist in tackling the backlog. USCIS is prioritizing EAD adjudication to mitigate against applicants experiencing a prolonged lapse in employment authorization.

What Should You Do?

Employers should continue to monitor pending EAD applications, filed on behalf of individual applicants in connection with the Adjustment of Status process. And employers must set their expectations realistically. While we certainly hope to see an improvement in USCIS processing times, at the moment this initiative has only been newly announced, and backlogs remain significant.

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Conclusion

Fisher Phillips will continue to monitor developments and provide additional guidance as it becomes available. Make sure you are subscribed to Fisher Phillips' Insight system to get the most up-to-date information. If you have further questions, contact your Fisher Phillips attorney, the author of this Insight, or any attorney on our Immigration Practice Group.

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