

Insights, News & Events

PROMISE KEPT? USCIS SHOWING SIGNS OF IMPROVING IMMIGRATION PROCESSING TIMES

Insights

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Earlier this year, federal immigration officials announced concrete measures to reduce the massive backlog of petitions and applications currently pending at the agency's National Service Centers – but has this promise been kept? We're pleased to report that our immigration team has seen U.S. Citizenship and Immigration Services (USCIS) follow through on this goal to the benefit of employers across the country. What do employers need to know about this significant and welcome development?

Background

USCIS committed to improving processing times for petitions and key documents back in March 2022, [which we reported on in detail here](#). Specifically, USCIS announced the following goals:

- I-765 Employment Authorization Document (EAD): within three months
- I-129 Petition for Non-immigrant worker: within two months (for non-premium processing cases)
- Implementing premium (i.e., expedited) processing for certain EB-1 and EB-2 I-140 petitions

Improvement of Processing Times

USCIS processing times for certain petitions and applications significantly lengthened during the pandemic. Processing times for applications for I-765 EAD cards had

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stretched to over a year; these had routinely been processed in under 3 months before the start of the pandemic.

This was a major problem for many people seeking to lawfully work in the U.S., including H-4 spouses of H-1B workers proceeding through the permanent residence process, and people with Green Card applications on file who were running out of time to work on their underlying nonimmigrant visas (such as L-1s and TNs).

Fisher Phillips has seen concrete positive results from these USCIS initiatives, including I-765s increasingly being issued within three months. The USCIS is still publicly listing long processing times for I-765 EAD card applications, but our experience has been that these applications are now starting to be approved much quicker.

The USCIS has also expanded the premium processing program for multinational executives and managers received on or before January 1, 2022, and National Interest Waiver petitions received on or before February 1, 2022. This will help those who may need to rely on work authorization through a pending Adjustment of Status (I-485) Green Card filing or are hoping to confirm approval of their I-140 petition.

With the increased USCIS push to meet timelines, Fisher Phillips has also seen a slight increase in Requests for Evidence (RFEs) for I-129 Petitioner for Non-immigrant workers. This includes H-1Bs, L-1s, O-1s, and TNs filed with USCIS.

Conclusion

Fisher Phillips stands ready to assist you regarding delays with USCIS and upgrading to premium processing if applicable. If you have questions, please contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in our [Immigration Practice Group](#). We will continue to monitor further developments and provide updates on this process, so make sure you are subscribed to [Fisher Phillips' Insight system](#) to gather the most up-to-date information.