WUERSCH & GERING

U.S. IMMIGRATION ALERT
USCIS Processing Delays and Signature Requirements

USCIS Field Offices: Adjustment of Status and Naturalization Applications Delayed
USCIS Field Offices, where adjustment of status and naturalization applications are adjudicated, have reported substantial processing time delays across the country. In October 2017, USCIS implemented a new interview requirement for employment-based adjustment of status applicants. As anticipated, this has caused a backlog at many Field Offices and has impacted the processing times for family-based adjustment of status and naturalization applications, with some Field Offices reporting processing times of over a year. Applicants should be sure to check the processing times at their local field office prior to filing by visiting https://egov.uscis.gov/processing-times/.

Employment Authorization Applications Delayed
All USCIS Service Centers are reporting backlogs and delays in employment authorization ("EAD") applications, with most applications taking far longer than the 90-day processing timeframe prescribed in the regulations. The average processing time is now 4-5 months. It should be noted that certain categories (i.e. adjustment of status applicants) are granted a 180-day automatic extension, and adjustment applicants may continue to work as long as their EAD renewal was filed before the card expired. Spouses of E and L visa holders are not granted any automatic extension of their EAD and should be sure to file their renewal applicants as close to 180 days prior to the expiration as possible.

I-751 Petitions Taking Over a Year to be Processed
For conditional permanent residents who received their permanent resident cards based on marriage, the I-751 Petition to Remove Conditions can now take up to 18 months to be processed. Applicants should carefully track the expiration of the one-year extension granted on the I-751 Receipt Notice, and frequently check the availability of InfoPass appointments at their local Field Office to obtain a temporary I-551 stamp to ensure their continued status is documented while the petition is pending.

Green Card Renewal Applications Delayed
I-90 applications, which allow permanent residents to renew, amend, or replace their green cards, can now take up to a year to be approved. Permanent residents should submit their I-90 applications early within the permissible 6-month filing period prior to their card's expiration, and be sure that the ASC Technician provides them with an extension sticker when they appear for their biometrics appointment. If the sticker

expires, an InfoPass appointment will be needed to obtain a temporary I-551 stamp for employment and travel purposes.

Premium Processing Suspended on H-1B "CAP" Cases
Starting April 2, 2018, USCIS temporarily suspended premium processing for all H-1B petitions subject to the Fiscal Year 2019 CAP. This suspension may last up to 6 months, and it is expected to cause delays to many employers who will not have decisions prior to the listed October 1, 2018 start date. All non-CAP petitions, such as extensions, amendments, and change of employers, are still eligible for premium processing.

Signatures on USCIS Petitions Required – Powers of Attorney No Longer Permitted
USCIS recently issued a Policy Memorandum advising that original signatures from petitioners and applicants are required on all USCIS filings, revoking the longstanding policy that attorneys and agents could sign on behalf of clients pursuant to a valid Power of Attorney. It is expected that the new signature requirement will result in additional expenses and filing delays as all petitions and forms filed with USCIS will now need to be sent to clients for original signature and returned to the attorney in order to file.

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