



## LEGAL NOTES

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### How to speed up INS processing

**U**nder special circumstances, an alien who is filing or has filed an application or petition may request expedited processing. If the request is granted, the processing time is substantially reduced from a few years to a few months in some cases.

Each of the Service Centers, where more than half of all applications and petitions are filed, has its own standard and procedure for handling expedited requests.

The Vermont Service Center (VSC) which has jurisdiction over the states in the Northeast, including New York and New Jersey, will expedite a case if there is strong humanitarian reason. An example is when a U.S. citizen or permanent resident is petitioning a relative in need of medical attention.

Financial loss suffered by the petitioner as a result of processing delay is also a ground. The VSC has

also approved expedited requests in application for advance parole due to emergency and also when an INS error has delayed the granting of immigration benefit to an applicant.

The expedited request is made by calling a VSC Information Officer. If the request is granted, the applicant will be instructed to deliver the application by courier. If the case is pending, the officer will pull out the file for quick adjudication.

The Nebraska Service Center (NSC), which covers 20 states, including Illinois, Michigan and Minnesota, will consider expedited processing when (1) the benefit sought is needed in a time frame that is less than the normal processing time and (2) when the short time frame was not caused by less than diligent application procedures on the part of the applicant or when there is a humanitarian basis for the request,

Expeditious handling is usually done when a derivative beneficiary is approaching the age of 21, the age that he loses his eligibility for adjustment status. The request must be made at least 50 days before the beneficiary turns 21.

Expedited requests should be submitted by mail at the time of filing the petition or at a later date.

In the Texas Service Center, which covers 13 states, including Florida, Georgia, Texas and Mississippi, the standard used is more strict except in aging out cases. As a result, most requests for expeditious processing are rejected.

An adjustment of status application pending for more than a year may be granted expedited processing. Work authorization and advanced parole applications filed with the adjustment of status application may also be processed on an expedited basis.

The request for expeditious handling may be mailed or faxed to the Director.

The California Service Center which serves Arizona, California, Nevada, and Hawaii, also grants expedited requests but on a case to case basis. The request should be delivered by overnight mail or courier in a form provided by the center with a one-page letter indicating the reason. Among the reasons acceptable to the center are: (1) significant public health concerns; (2) significant environmental concerns; (3) loss of significant revenue; (4) compelling national or regional interest; (5) significant job creation or loss; (6) extraordinary specific circumstances; or (7) significant humanitarian concerns such as medical reasons and political upheaval.