

Receipt Delays and Related Intake Issues

Please be aware of delays in the issuance of receipt notices for Form I-485, Application to Register Permanent Residence or Adjust Status; Form I-140, Immigrant Petition for Alien Workers; and Form I-765, Application for Employment Authorization (EAD), filed with USCIS lockbox facilities. If you filed a concurrent or stand-alone Form I-485 for adjustment of status (AOS) in September, October, or November 2020, you may be experiencing severe delays in receiving a receipt notice.

While some people have received their receipts, it is not unusual to have to wait two-three months at minimum to get receipts. The American Immigration Lawyers Association (AILA) will continue to monitor this situation.

There are many factors for this backlog, including, but not limited to:



- Increase in the number of filings in the month of September due to anticipated fee hikes;
- Unexpected increase in filings due to visa bulletin movement in fall 2020; and
- COVID-19-related reduction of employees at the USCIS lockbox.

Due to these combined factors, it is taking significantly longer for USCIS to process applications. Although the USCIS website says that the average wait time is 30 days, customers are reporting lengthier delays. There are also reports of individuals receiving case notifications and receipts prior to their attorneys.

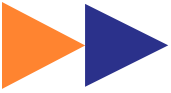
AM I IN STATUS?

It depends on the type of status you possessed at the time of filing and the type of case under which you filed your AOS. Most receipts that were issued after months of delay still reflect the original filing date and demonstrate that the application was filed in a timely fashion.

WHAT IF MY APPLICATION IS REJECTED?

AILA has received widespread reports of rejections from the USCIS lockbox. In some instances, the rejections were sent up to three months or more after the original date of filing. USCIS has cited many reasons for rejections, such as the failure to check a box, include all pages of a form, sign a form, or include a valid filing fee. In many cases, the application did, in fact, include the requested information that USCIS erroneously claimed was missing. Depending on the reason for rejection, you may be able to resubmit your application. Please contact your attorney to discuss whether you should resubmit your case and other options that may be available to you.





WHAT ABOUT MY WORK AUTHORIZATION AND ADVANCE PAROLE?

In particular, those who have applied for an AOS along with an EAD or Employment Authorization Document (Form I-765) and an advance parole document (Form I-131) have experienced significant delays not only in receiving proof, but also in the time it has taken for their applications to be processed. Whereas previously, the average processing times varied from ninety days to six months, these cases can now experience delays for as long as eight or nine months.

For EAD and/or advance parole delays, it may not be helpful to follow up with USCIS after 90 days. If eight to nine weeks have passed, you may wish to reach out to your attorney.

If six months have passed, it may be helpful to contact USCIS through Emma, USCIS's online virtual assistance; via telephone; or by filing an e-request. If those actions produce no results and the delays are egregious, you may wish to contact your local congressional representative or senator.



WHAT CAN I DO?

- Request filing online to receive confirmation that your form has been received;
- Check the status of your application online at uscis.gov or create a USCIS online account;
- Complete Form G-1145, e-Notification of Application/Petition Acceptance, to receive a text message or email when your form is accepted