



U.S. Citizenship
and Immigration
Services

[Home](#) > [Policy Manual](#)

Chapter 5 - Requests to Expedite Applications or Petitions

[Guidance](#)

[Resources](#) (2)

[Appendices](#) (0)

[Updates](#) (7)

[History](#) (0)

Immigration benefit requestors may request that USCIS expedite the adjudication of their applications or petitions. USCIS considers all expedite requests on a case-by-case basis and generally requires documentation to support such requests. The decision to grant or deny an expedite request is within the sole discretion of USCIS.^[1]

Expedite Criteria or Circumstances

On or after June 9, 2010,^[2] USCIS may expedite a benefit request if it falls under one or more of the following criteria or circumstance:

- Severe financial loss to a company or person, provided that the need for urgent action is not the result of the petitioner's or applicant's failure: (1) to timely file the benefit request; or (2) to timely respond to any requests for additional evidence;^[3]
- Emergencies and urgent humanitarian reasons;^[4]
- Nonprofit organization (as designated by the Internal Revenue Service (IRS)) whose request is in furtherance of the cultural and social interests of the United States;^[5]
- U.S. government interests (including urgent cases for federal agencies such as the U.S. Department of Defense, U.S. Department of Labor, DHS or other public safety or national security interests);^[6] or
- Clear USCIS error.

Severe Financial Loss as a Basis for Expedited Treatment

A company can demonstrate that it would suffer a severe financial loss if it is at risk of failing, losing a critical contract, or required to lay off other employees. For example, a medical office may suffer severe financial loss

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Ilona Bray

A red circular graphic with a gradient, appearing as a stylized arrow or a partial circle, located to the right of the name Ilona Bray.

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How to Get a Green Card Ilona Bray, 2022-07-26 A step by step guide to obtaining U S residency by various non work related means such as political asylum the visa lottery or a family member *Immigration Practice - 15th Edition* Robert C. Divine, 2014-06-01 Immigration Practice guides readers through all aspects of immigration law in one volume complete with over 3 000 footnote citations to the wide range of statutes regulations court and administrative cases policy memos operations instructions agency interpretive letters and internet sites that a lawyer needs for complete understanding of a particular problem No other source merges the practical with commentary and analysis so helpfully The book explains in understandable language and meaningful and dependable detail the substantive issues and the practical procedures a lawyer needs to handle a specific immigration matter complete with checklists of forms supporting evidence and other strategies needed for application petition packages The book has unparalleled coherence integration and consistency Liberally cross references to other sections in the book where related topics are discussed because so many topics are interrelated Line by line instructions on how to complete the most commonly used forms to avoid embarrassing mistakes Lists the contents of packages to file with government agencies forms and fees detailed support letters and other supporting evidence Explanations of potentially applicable visa options organized according to the attributes of the foreign national and the employer rather than classifications in alphabetical order so that practitioners can make sense of options in light of the client in the office Comparisons and charts of attributes and procedures of such topics as nonimmigrant visa classifications procedures to permanent residence and standards of extreme hardship Citations throughout the book and collection in the extensive CD ROM Appendix to primary source materials and the most useful Internet site URLs with explanation of the increasingly helpful free databases and tools available through each one Internet Links Constantly increased and updated links to government web sites containing current contact information forms primary law sources of all types case status information and processing and substantive guides all referenced by pinpoint citations in the text See Chapter 5 explaining sources of law Appendix C and D 1 showing web links and the CD ROM in the back cover providing one click access Readers are strongly encouraged to review and use the CD ROM and to consider saving Appendix C D 1 and E 1 into their hard drives or saving the links to their internet browser favorites or bookmarks for ready reference all the time Upgraded removal related treatment significant improvements to Chapters 10 11 and 16 by attorney who has worked for immigration courts several years Supreme Court decisions effects of limited marijuana distribution offense as aggravated felony 10 6 b 1 vi tax offenses as aggravated felonies 10 6 b 1 vi rejection of comparable grounds rule for 212 c eligibility 10 6 b 1 vii modified categorical approach applies only to divisible statutes 10 6 b 2 i non retroactivity of Padilla decision 10 6 b 2 vi rejection of the statutory counterpart rule for 212 c waivers 11 5 f invalidation of the Defense of Marriage Act 14 7 a 2 i non imputation to child of firm resettlement of parents 16 4 c Lower federal court decisions concerning such issues as recognizing a

beneficiary to have standing to challenge a USCIS petition denial 2 2 a 1 I reviewability of good moral character determinations and other 2 2 a 1 I court order of USCIS to speed up FOIA certain responses 4 2 CBP FOIA process 4 2 DOL case disclosure data 4 5 need to exhaust remedies under DHS TRIP to challenge inclusion on watch list 10 3 CIMT crime determinations 10 6 b 1 iii effect of a single firearm sale 10 6 b 1 vi 212 h waiver eligibility in regard to post entry adjustment but not as to stand alone request 10 6 b 3 interference with police helicopter using laser light as CIMT 10 6 c whether post entry adjustment is an admission for 212 h waivers 10 6 b 3 whether there is an involuntariness or duress exception to the terrorism support bar 10 6 c enforcement of I 864 financial support obligations 10 6 d 2 mandatory bond hearing after six months of detention 11 3 f ICE detainers found to lack authority 11 3 g representation in immigration court at government expense for aliens with serious mental disabilities 11 4 g stop time and petty offense exceptions relating to cancellation of removal 11 5 f revelation of the BIA s erroneous reliance for decades on nonexistent provisions of Mexican Constitution affecting legitimation issues 12 3 d 3 rejection of BIA s rule against nunc pro tunc adoption orders 14 7 b 3 invalidation of FSBPT efforts to restrict applicants from certain countries to sit for physical therapy exams 15 2 c 2 use of impeachment evidence only to terminate asylum 16 2 b asylum claims of German homeschoolers and mixed motive cases 16 4 a 3 social group asylum claims 16 4 a 3 expansive implications of inconsistencies in testimony 16 4 a 4 particularly serious crimes barring asylum claims 16 4 c special asylum procedures for unaccompanied children 16 4 c adjustment eligibility of alien who entered without inspection and then obtained TPS 16 7 a 6 eligibility of after acquired spouse under Cuban Adjustment Act 16 7 e preempted state law provisions aimed at aliens employers and landlords 19 4 l 3 BIA decisions on such issues as what constitutes a drug trafficking crime 10 6 b 1 iv implications of child pornography conviction 10 6 b 1 vi possession of ammunition by a convicted felon 10 6 b 1 vi availability of stand alone 212 h waiver without adjustment application 10 6 b 3 service of NTA on a minor 11 3 b service of NTA and other safeguards for aliens with serious mental conditions 11 4 g approval of administrative closure of removal cases 11 5 d termination of asylum then removal and relief in proceedings 16 2 b relocation issues in asylum claims 16 4 a 3 Regulations government policy memorandums other decisions and government web site enhancements concerning such matters as differing government renderings of single name for certain persons 1 6 a 3 USCIS refusal to accept stamped signatures for attorneys on G 28 1 6 a 3 USCIS use of bar codes for forms and danger of making marginal notes on forms 1 6 a 3 USCIS use of customer completed e Request Service inquiries 2 2 a 1 F movement of all visa processing to the electronic CEAC system 2 3 a replacement of the CBP Inspectors Field Manual with the Officer s Reference Tool and the beginning effort to replace the USCIS Adjudicators Field Manual with the online Policy Manual 5 4 replacement of the paper I 94 card for air and sea entries with an automated online I 94 record 7 4 b and other sections new section on Other Redress for Adverse Results on visas and admissions 7 4 c 14 the radical implications of Matter of Arrabally and Yerrabelly concerning the effects of departure under advance parole 8 7 d 2 i and 10 6 f modernization of the immigrant

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Table of Contents Uscis Expedite Request Sample Letter

1. Understanding the eBook Uscis Expedite Request Sample Letter
 - The Rise of Digital Reading Uscis Expedite Request Sample Letter
 - Advantages of eBooks Over Traditional Books
2. Identifying Uscis Expedite Request Sample Letter
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Uscis Expedite Request Sample Letter
 - User-Friendly Interface
4. Exploring eBook Recommendations from Uscis Expedite Request Sample Letter
 - Personalized Recommendations
 - Uscis Expedite Request Sample Letter User Reviews and Ratings
 - Uscis Expedite Request Sample Letter and Bestseller Lists
5. Accessing Uscis Expedite Request Sample Letter Free and Paid eBooks
 - Uscis Expedite Request Sample Letter Public Domain eBooks
 - Uscis Expedite Request Sample Letter eBook Subscription Services
 - Uscis Expedite Request Sample Letter Budget-Friendly Options

6. Navigating Uscis Expedite Request Sample Letter eBook Formats
 - ePub, PDF, MOBI, and More
 - Uscis Expedite Request Sample Letter Compatibility with Devices
 - Uscis Expedite Request Sample Letter Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Uscis Expedite Request Sample Letter
 - Highlighting and Note-Taking Uscis Expedite Request Sample Letter
 - Interactive Elements Uscis Expedite Request Sample Letter
8. Staying Engaged with Uscis Expedite Request Sample Letter
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Uscis Expedite Request Sample Letter
9. Balancing eBooks and Physical Books Uscis Expedite Request Sample Letter
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Uscis Expedite Request Sample Letter
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Uscis Expedite Request Sample Letter
 - Setting Reading Goals Uscis Expedite Request Sample Letter
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Uscis Expedite Request Sample Letter
 - Fact-Checking eBook Content of Uscis Expedite Request Sample Letter
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements

- Interactive and Gamified eBooks

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