

# Mobility: Immigration alert

March 2024

## United States

USCIS issues guidance clarifying processes and requirements for expedite requests

### Executive summary

On 21 March 2024, U.S. Citizenship and Immigration Services (USCIS) updated sections of its Policy Manual relating to expedite requests. The updated Policy Manual clarifies how USCIS considers expedite requests related to government interests, emergencies, and urgent humanitarian situations, including travel-related requests.

### Background and analysis

An individual may file an expedite request with USCIS for an application, petition, request, appeal, or motion under the USCIS's jurisdiction if they or their authorized representative believe that their case requires urgent and prioritized adjudication.

USCIS handles these expedite requests on a case-by-case basis and has the sole discretion to decide whether to expedite the process, evaluating each request for its urgency and merit.

The update to the USCIS Policy Manual is effective immediately and applies prospectively to immigration benefit requests filed on or after 21 March 2024.

The policy highlights include:

- ▶ Clarification regarding government-interest based requests, including that when an expedite request is made by a state, tribal, territorial, local, or federal government agency or department of the United States, USCIS generally defers to that agency or

department's assessment. Such requests are considered only when they represent the pressing and substantive interests of the government, including issues of public interest, safety, and national interest or security.

- ▶ Explanation that USCIS may expedite adjudication of an Application for Travel Document (Form I-131) when an applicant demonstrates a pressing or critical need to leave the United States, whether the need to travel relates to a planned or unplanned event. Expedited processing could be warranted in unexpected circumstances such as the need for urgent medical treatment abroad or due to the death or severe illness of a family member or close friend. It can also be considered when a scheduled event necessitates travel, but standard processing times would prevent the issuing of the document in time.
- ▶ Clarification that USCIS may consider expedited handling of requests in cases where a clear USCIS error is identified. An expedited request may be accepted when the requestor demonstrates an urgent need to correct the error.
- ▶ Explanation of how to make an expedite request through the USCIS Contact Center and clarification of how USCIS processes expedite requests.

USCIS notes that when the premium processing service is available for the immigration benefit, the application or petition will not be considered for expedited processing unless the petitioner is designated as a nonprofit

organization by the U.S. Internal Revenue Service and the filing relates to a beneficiary whose services are needed to further the cultural or social interests of the United States.

### What this means

The updated USCIS Policy Manual provides individuals and their representatives with guidance on the specific criteria and circumstances that could lead to the expedited processing of their applications, petitions, requests, appeals, or motions. This clarity enables individuals to make well-informed decisions and plan effectively, recognizing certain situations that may merit urgency.

The updated guidance further emphasizes that, in cases where a clear error made by USCIS is evident, expedited processing may be deemed necessary. This acknowledgment underlines the immediate attention such errors demand, demonstrating the agency's recognition of its responsibility and the potential negative impact these mistakes can have on applicants.

We will continue to monitor and review future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional.

#### EY Law LLP

Alex Israel, Partner  
+1 416 943 2698  
alex.d.israel@ca.ey.com

Marwah Serag, Partner  
+1 416 943 2944  
marwah.serag@ca.ey.com

Melanie Bradshaw, Partner  
+1 416 943 5411  
melanie.bradshaw@ca.ey.com

Mehlman Jacobs LLP  
Sharon Mehlman, Partner  
+1 858 404 9350  
sharon.mehlman@mehlmanjacobs.com

Dilnaz A. Saleem, Partner  
+1 713 750 1068  
dilnaz.saleem@mehlmanjacobs.com

Roxanne Israel, Partner  
+1 403 206 5086  
roxanne.n.israel@ca.ey.com

Jonathan Leebosh, Partner  
+1 604 899 3560  
jonathan.e.leebosh@ca.ey.com

Stephanie Lipstein, Partner  
+1 514 879 2725  
stephanie.lipstein@ca.ey.com

Author: Sofia Brondino, Attorney  
+1 416 932 6017  
sofia.brondino.zavalla@ca.ey.com

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