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PROCEDURAL CHANGE IN CIS ADJUDICATIONS IS EXPECTED TO REDUCE ADJUDICATION DELAYS CAUSED BY PENDING FBI NAME CHECKS

On February 4, 2008, U.S. Citizenship & Immigration Services (CIS) confirmed certain procedural changes that will enable CIS adjudicators to approve some long-delayed Applications to Adjust Status (“green card applications”) that remain pending solely due to a delay in the clearance of the Applicant’s required FBI name check based on his or her name and fingerprints.

Pursuant to the procedural change, CIS adjudicators are instructed to approve Applications to Adjust Status that are otherwise approvable if the FBI name check remains pending for more than 180 days. Applicant files will be retained at the CIS office adjudicating the application until the FBI name check clearance is received. Should information be revealed that would have subjected the applicant to potential denial, the CIS will determine whether rescission and removal proceedings should be initiated against the applicant.

While this change in adjudication procedures enables the CIS to immediately begin to address the significant backlog of long-delayed applications, the CIS advises that backlog clearance will likely take several months. Therefore, while encouraging, the procedural change will not result in immediate approval of all backlogged cases. Rather, over the course of the next several months, the CIS hopes to largely eliminate the backlog, while the FBI strives to issue FBI name check clearances within 180 days.

The CIS has confirmed that these advance approval procedures will not be implemented with respect to Applications for Naturalization (“citizenship applications”), which continue to require FBI name check clearance prior to final adjudication. The FBI will attempt to reduce the time frames for name check clearances, but CIS adjudicators are not permitted to approve an Application for Naturalization without clearance of the FBI name check.

For more information on how this new procedure may impact a particular case, please contact your Tindall & Foster, P.C. immigration attorney. Your Tindall & Foster attorney will be able to assess whether additional follow-up efforts may be advisable in connection with a particular application in order to facilitate adjudication under the new procedures. As always, Tindall & Foster will continue to monitor changes in government procedures that impact adjudication time frames and will make new information available via the [Tindall & Foster web site](#) and in future Email Bulletins.