



EXPEDITING EMPLOYMENT AUTHORIZATION DOCUMENTS AND ADVANCE PAROLE TRAVEL DOCUMENTS



Five years ago, USCIS routinely took three months to issue employment authorization documents (EADs) and advance parole (AP) travel documents. Prior to the pandemic, USCIS was taking approximately six months to issue them. Now, USCIS can take nine months or longer to issue these documents. These delays create huge hardships to organizations and individuals.

The best way to handle these delays is to plan ahead. You may file for an extension up to 180 days prior to the expiration of your EAD and AP. Plan to apply for an extension of the interim benefits the full six months before they expire. If applying for the initial EAD or AP, plan that it will be several months before it is issued and budget accordingly, taking into account current restrictions on international travel.

Requesting Expedited Processing

If the applicant must be fingerprinted, USCIS will not consider an expedite request until after the applicant has been fingerprinted. Consequently, it is extremely difficult to expedite first-time applications.

USCIS may expedite the issuance of an EAD or AP in limited, specific circumstances:

- Severe financial loss to a company or person, provided that the need for urgent action is not the result of the applicant's failure:
 - to timely file the benefit request;
 - to timely respond to any requests for additional evidence.
- Emergencies and urgent humanitarian reasons.
- 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.
- 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).
- Clear USCIS error.
- Healthcare worker with a pending EAD renewal.

Will USCIS Grant My Case Expedited Processing?

The reason for the expedite request must be explained in a clear and simple manner, backed up with any available documentation. Even in compelling circumstances with sympathetic parties, USCIS may not expedite a case. Critically, if USCIS perceives that there is a viable alternative for the applicant or that an organization is making too many requests, the agency is less likely to grant the expedite request. Vague requests or requests that show ordinary, predictable outcomes (loss of income), are less likely to be honored.

As a practical matter, USCIS is more likely to honor requests for expedited treatment by school districts or federal government agencies than requests based on severe financial loss or urgent humanitarian reasons. Also, nonprofit organizations that have a clear, easily understood, valuable public mission are more likely to have their requests honored.

Even if USCIS approves the expedited processing, it will take several weeks for the documents to be issued. Consequently, it may take at least a month to get an interim document.

For more information on expediting EADs and/or APs, please contact your attorney or find an immigration attorney at <https://www.ailalawyer.org/>.