

When and How to Expedite a Case

By Flor Lopez and Charles Wheeler

Given the current backlog in the processing of most applications and petitions by U.S. Citizenship and Immigration Services (USCIS), practitioners have begun looking for ways to speed things up for their clients. The Department of State (DOS) is facing a similar delay in scheduling immigrant visa interviews at the various U.S. consulates abroad.

Applicants can take advantage of the posted [case processing times](#) on the USCIS website and are encouraged to send an inquiry if their application is outside the normal processing time. But there is little guarantee that that will result in acceleration of the case. Other remedies include seeking congressional intervention, requesting review by the USCIS Ombudsman office, or filing a mandamus action in federal district court. Applicants for certain immigration benefits may call the USCIS at designated phone numbers to report excessive delay; others may be class members of a [court settlement](#) requiring the agency to adjudicate an application within a specific period.

Applicants for an immigrant visa have also been experiencing long delays in the scheduling of their consular interviews due to high demand, staffing shortages, and the effects of the Covid-19 pandemic. The National Visa Center (NVC) maintains an [Immigrant Visa Interview-Ready Backlog](#) report, but the agency does not provide a site where applicants can obtain information on the visa backlog at a specific consular post. The most recent report indicates only that 326,415 applicants are currently waiting for their interview to be scheduled after becoming “documentarily qualified.”

A visa applicant can get the status on their case by going to the [Consular Electronic Application Center](#) website by clicking “Check My Visa Application Status” under “Immigrant Visa.” The applicant would then be prompted to enter their immigrant visa case number and the verification code. The status could indicate either “at NVC,” “in transit” (to the consulate), or “ready” (to be scheduled for an interview). The NVC also has created a [site](#) where applicants can see various NVC timeframes: current case creation time, case review time, and public inquiry form response time.

This article will describe the situations where the applicant can seek to expedite the adjudication of the application by USCIS or accelerate the consular processing of an immigrant visa application with the Department of State (DOS). It incorporates the new policy changes outlined in the March 21, 2024, USCIS Policy Alert and detailed in the Policy Manual.

Expediting a Case With USCIS

The USCIS has created a special [webpage](#) detailing the process for requesting the agency to expedite a pending application or petition.

Every applicant or petitioner is entitled to request expedite adjudication. The USCIS states that it will consider all expedite requests on a case-by-case basis and that it will “carefully weigh the urgency and merit of each expedite request.” It considers the following criteria or circumstances:

- Severe financial loss to a company or person;
- Emergencies and urgent humanitarian reasons;
- A nonprofit organization whose request is in furtherance of the cultural or social interests of the United States;
- U.S. government interests; or
- Clear USCIS error.

Of the five possible grounds, most applicants will likely apply based on either the first or second ground. The USCIS has provided information in the [USCIS Policy Manual](#) on what it wants applicants to demonstrate and document.

With severe financial loss, the requestor must demonstrate that the need for expedited treatment isn't the result of failure to timely file the relevant application or respond to any Request for Evidence. The most common financial harm will be due to potential job loss, inability to travel for work purposes, or loss of critical public benefits or services. The need to obtain employment authorization, standing alone and without evidence of “other compelling factors,” would not warrant expedited treatment.

Emergencies and urgent humanitarian reasons are only those related to human welfare, which include “illness, disability, extreme living conditions, death in the family, or a critical need to travel to obtain medical treatment in a limited amount

of time.” Applications for humanitarian relief — such as asylum, refugee status, or humanitarian parole — include, by their nature, urgent humanitarian situations and therefore would not warrant expedited treatment.

The supporting evidence that the applicant needs to submit would depend on the emergency. For health-related reasons, it would be a letter from a doctor, hospital, or clinic stating the medical diagnosis and critical nature of the health issue, as well as proof of the requestor’s relationship with the affected party.

The USCIS will also entertain a request for expedited processing of a travel document if the applicant demonstrates a “pressing or critical need.” Examples could include an unexpected incident such as the need for medical treatment or the death or serious illness of a family member. It could also include the need to travel for a planned event, assuming the applicant filed the Form I-134 well in advance of the meeting, conference, training, wedding, or graduation. Travel for vacation purposes, obviously, would not qualify. The supporting evidence that the applicant needs to submit would include a copy of the invitation to the event or a letter from the academic institution, as well as proof of the critical need for the applicant to attend. Expedite requests would need to be filed at least 45 days before the planned event.

How To Request a USCIS Expedite

Before making the expedite request, the person must have a filing receipt notice, have viewed the current [case processing times](#) to determine whether they require an expedite, and have checked their [case status online](#). If any action on their pending case needs to happen, such as submitting biometrics or civil documents, they need to complete that before submitting the request.

To start the process, call the USCIS Contact Center at 1-800-375-5283 or click on the “Need help? Ask Emma” icon at the top right corner of the [uscis.gov](#) website. You will be asked for the application receipt number and the basis for the expedite request. The Contact Center then creates and forwards a service request to the USCIS office with jurisdiction over the application. In response, the reviewing office may then ask for more documentation supporting the expedite request. If the request is approved, the USCIS will adjudicate the application out of order and issue a decision faster than the normal processing time.

Here are special procedures for the following applications:

- Adoptions: see the [USCIS Adoption Contact Information](#) webpage for information;
- Appeals: include the request for expedited processing with the appeal notice;
- Appeals filed with the Administrative Appeals Office (AAO) after the appeal submission: mail the expedite request directly to AAO;
- Appeals filed with the Board of Immigration Appeals (BIA): follow the BIA expeditious handling procedures;
- Applications for asylum: make the expedite request with the office having jurisdiction over the asylum application;
- Applications for refugee status: direct the expedite request to the Resettlement Support Center handling the case abroad; and
- Applications for humanitarian parole for beneficiaries located outside of the United States: send the expedite request to the Humanitarian Affairs Branch.

How To Request CIS Ombudsman Assistance

The [CIS Ombudsman Office](#) can help with cases involving an emergency or a hardship that falls under the USCIS expedite criteria. It can also help with expedite requests approved by USCIS but still pending after more than 60 days. Before requesting their help, the applicant must first seek assistance from the USCIS and from their congressional representative and document how those efforts have been unsuccessful. The applicant will also need to include the USCIS processing times screenshot showing that their case is outside processing times. Practitioners will need to include a G-28, Notice of Entry of Appearance as Attorney or Representative.

To request help, submit [Form 7001, Request for Case Assistance](#), and supporting documents either online or by mail to Office of the Citizenship and Immigration Services Ombudsman, Department of Homeland Security, Attn: Case Assistance, Mail Stop 0180, Washington, D.C. 20528. If the applicant has questions regarding the form, they can call the Ombudsman Office at 1-855-882-8100 or email the agency at cisombudsman@hq.dhs.gov.

Expediting an Immigrant Visa Case With the DOS

The bases for an expedite request with DOS, as well as the procedures, depend on the stage in the immigrant visa process. Requests can be made only after the USCIS has approved the relevant petition, forwarded it to the NVC, and the NVC has created a file containing the case number and invoice ID. In addition, requests for expedited processing of an application can be made only when there is an available visa. This means the applicant is classified as an immediate relative or their priority date is current for that preference category and chargeability area using Chart A of the [Visa Bulletin](#). The expedite request will be made with either the NVC, if no immigrant visa interview has been scheduled, or the specific consular post if the applicant wants an earlier interview date.

Expediting Immigrant Visa Processing With the NVC

Before submitting an expedite request, the applicant must have paid the immigrant visa and affidavit of support fees, submitted the required Form DS-260, Immigrant Visa Electronic Application, and Form I-864, Affidavit of Support under Section 213A of the INA, and uploaded the necessary civil documents. In other words, the applicant must be classified as “documentarily qualified.”

The NVC website indicates that it will entertain an expedite request only if it involves a “life or death medical emergency.” This typically involves the health of the petitioner and not the immigrant visa applicant. However, the NVC will actually consider other bases for an expedite, including: other humanitarian factors; cases where the applicant or the petitioner has been a victim of a serious crime; a child is about to age out (not protected by the Child Status Protection Act); the petitioner is suffering from a health-related problem and needs the care of the applicant; or situations where it is in the “national interest.”

To request an expedite, applicants must use a designated email address: NVCExpedite@state.gov. The applicant must make a formal request that contains details regarding the emergency and includes the following:

- Immigrant visa case number (on the subject line);
- Invoice ID number;
- Petitioner’s name and date of birth;

- Beneficiary's (applicant's) name and date of birth and whether it is a medical emergency; and
- Statement from a physician or medical facility that contains their contact information and an explanation of why a medical emergency exists.

Expedite requests should be either approved or denied within 30-45 days. If the expedite request is approved, the NVC will then forward the case file directly to the consular post for interview scheduling.

Expediting an Immigrant Visa Interview With the Consulate

Each consular post establishes its own criteria for authorizing expedite requests, as well as its own procedures for making the request. Most consulates, however, do not limit the requests to life-or-death medical emergencies but rather consider them on a case-by-case basis and will consider other humanitarian factors. These could include a minor child being stranded, members of the same family not being interviewed together, or the applicant is related to a member of the U.S. armed forces.

The procedure, for example, for submitting a request for an expedited appointment with the U.S. consulate in Ciudad Juarez is described on its [website](#). The immigrant visa applicants residing in Mexico who may qualify for expedited scheduling include the following:

- The applicant is the spouse or child of an active-duty member of the United States armed forces;
- The applicant, petitioner, or minor child of the applicant has a life-threatening medical or other emergency that requires the applicant's immediate travel to the United States;
- The applicant may age out of a visa category or other benefit within the next six months (this presumes that the applicant is not protected by the [Child Status Protection Act](#)); and
- Biological or legally adopted children of U.S. citizens (generally IR-2), who are within six months of turning 18, will reside in the physical custody of their U.S. citizen parent in the United States, and would qualify for derived citizenship under the [Child Citizenship Act](#).

Another useful website is the [U.S. Visa and Appointment Services](#) where one can click on the specific consulate and get information on how to submit an expedited appointment request. Just like expedite requests made to the USCIS or the NVC, requests made to consulates are evaluated by consular officers on a case-by-case basis, and the decision cannot be appealed.

Practical Advice

Practitioners should recognize that requests for expedited processing of a petition or scheduling of an immigrant visa interview will be granted only in special situations. These requests should be documented, but not over-documented. For example, if your request is based on a medical necessity, get a doctor's letter stating how long the doctor has been treating your client, what the diagnosis is, when it was made, and what medications are necessary to control the condition. But don't submit a lengthy medical report. If the request is based on personal considerations, submit a succinct declaration from your client describing the situation. Remember that the NVC updates its [timeframes](#) on a weekly basis. If you do not receive a response within the posted timeframe, consider submitting your request again. The Consulate in Ciudad Juarez generally takes longer to respond to expedite requests given its high volume, while other consulates are faster.