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USCIS CHANGES SECURITY CLEARANCE POLICY ON LONG-PENDING GREEN CARD APPLICATIONS

As a result of federal litigation, the United States Citizenship and Immigration Service ("USCIS") announced a change in their policy for long-pending I-485 ("Green Card") applications. Every I-485 applicant must clear an FBI fingerprint, FBI name check and Interagency Border Inspection Systems (IBIS) check. Previously, USCIS would not adjudicate a pending I-485 application until all three security checks have been cleared. Backlogs for FBI name check clearances have delayed thousands of intending immigrants from receiving their permanent resident status for months or even years. Now, USCIS will adjudicate a pending I-485 application if there is a visa number immediately available, the FBI fingerprint and IBIS security checks have cleared, and the FBI name check has been pending 180 days or more. Please keep in mind that this policy change does not affect long-pending I-485 applications delayed by the retrogression of immigrant visa priority dates or lack of visa numbers. USCIS also retains the ability to rescind permanent residence or to place a permanent resident in removal proceedings if they subsequently fail the FBI name check after the I-485 application has been approved. USCIS expects to identify and adjudicate I-485 applications affected by this policy change within the next 30 days. We will be monitoring USCIS's progress in implementing this policy very closely to ensure our clients with long-pending FBI name checks have their I-485 files adjudicated in a timely manner.