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Class Action Filed Against USCIS for Extreme Processing Delays that Leave American Families Stranded

WASHINGTON D.C. — Late yesterday, a group of immigrants filed a federal class action lawsuit in Seattle against U.S. Citizenship and Immigration Services (USCIS), challenging bureaucratic logjams that have left them in a multi-year limbo.

The lawsuit seeks to hold the Biden Administration accountable for the increasing delays in processing unlawful presence waivers, which are a necessary step to become a Lawful Permanent Resident. Until these waivers are decided, plaintiffs—who are spouses of U.S. citizens and lawful permanent residents—cannot work lawfully and remain subject to removal from the United States, leaving the plaintiffs and their families stuck due to governmental dysfunction.

Plaintiffs are represented by the American Immigration Council, IMMpact Litigation (comprised of the firms Joseph & Hall PC, Kuck Baxter Immigration LLC, Bless Litigation, and Siskind Susser PC), and Gibbs Houston Pauw.

Benjamin Johnson, Executive Director of the American Immigration Lawyers Association (AILA) described what led to the litigation, namely: “Late last year, AILA began to hear from our members that families were facing egregiously long delays. When we put out a broader call for examples, they came flooding in. As of this month, USCIS is taking more than 31 months to process these applications, up from 4.5 months in FY18. AILA is actively involved in this lawsuit, stands with these families, and amplifies their call for immediate action.”

Kate Melloy Goettel, Legal Director of Litigation at the American Immigration Council said, “The delays USCIS considers ‘normal’ have devastating, real-world consequences for families. As processing times climb month after month, applicants are trapped in bureaucratic limbo. Our plaintiffs are unable to move forward with many areas of their lives—from employment and healthcare to family unity.”

Aaron Hall, Senior Partner of Joseph & Hall, PC, stated, “USCIS has neglected provisional waiver applications by sitting on them with no action for years while telling families stuck in limbo that it is normal. People expect—and the law requires—better from our government.”

Charles Kuck, managing partner of Kuck Baxter Immigration LLC said, “Two years into the Biden administration and the actual processing of immigration cases as important as the Provisional Waiver

are taking substantially LONGER than they did under the Trump Administration. This is a monumental failure of management. This is why we are forced to hold USCIS accountable.”

Jesse M. Bless, Founder of Bless Litigation LLC stated, “Our courageous plaintiffs and the class of I-601A applicants could not stand to see the processing times grow longer and longer. Asking for a return to a six-month processing time is reasonable and aligned with USCIS’s priorities.”

Greg Siskind, Shareholder at Siskind Susser, PC – Immigration Lawyers added, “In what other government agency is it acceptable to pay a fee for a service and then have to wait three years for a decision? The delays just shock the conscience.”

Adam Boyd, managing partner of Gibbs Houston Pauw said, “This process is only available to individuals with relatives who would suffer hardship if they are not allowed to remain in this country. Rather than prioritizing these applications, USCIS has forced them to endure more hardship in the form of years-long backlogs. It is time that we bring more humanity back into our immigration system and provide a relief valve to these deserving families.”