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AILA and Members File Class Action Challenging Huge USCIS Processing Delays on Work Permits

WASHINGTON D.C. — Today, 49 individual and organizational plaintiffs represented by the American Immigration Lawyers Association (AILA), Farshad Owji of Wolfsdorf Rosenthal LLP, Aaron Hall of Joseph and Hall PC, Charles Kuck of Kuck Baxter Immigration LLC, and Greg Siskind of Siskind Susser PC, filed a class action lawsuit against the Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS), in the U.S. District Court in Washington, DC. The litigation seeks to hold the Biden administration to account for the extreme processing delays on applications for employment authorization documents for noncitizens who are seeking Adjustment of Status (AOS) and E-2 nonimmigrant spouses.

Jesse Bless, AILA's Director of Federal Litigation stated, "As of this month, USCIS is informing applicants that it could take between 20-21.5 months to process their application. That's an unacceptable amount of time to process work authorization and demonstrates that the agency has not lived up to its promise to process EADs in 90 days, except in rare instances. DHS and USCIS should immediately recommit to its processing time and process the applications that our plaintiffs have paid for in advance."

Farshad Owji, AILA First Vice President and Partner, Wolfsdorf Rosenthal added, "It's incredibly difficult to be reliant on a slow bureaucracy for the ability to work legally. Each of our plaintiffs has a story of stress and unnecessary uncertainty impacting their lives. I'm proud to stand with my litigation partners today to help right this wrong and get the agency back on track to approving applications in a timely manner, which will benefit communities across the nation and increase our shared prosperity."

Aaron Hall, Senior Partner of Joseph and Hall, PC, stated, "The agency's seemingly endless bureaucratic delays on applications have stripped qualified applicants of one of the most basic of human needs—the ability to provide for themselves and for their families. It is inexcusable and we look forward to holding the agency accountable."

Charles Kuck, managing partner of Kuck Baxter Immigration LLC said, "It is unfortunate that USCIS has not lived up to its prior commitment to issued employment cards within 90 days, and more unfortunate that it has disregarded the legitimate economic damages to foreign nationals who depend on that employment card to continue working and driving. We will work to ensure that processing times are

restored to some semblance of normal and that our client's lives are no longer affected by this governmental failure."

Greg Siskind, founding partner of Siskind Susser PC noted, "By it's own analysis, USCIS takes only 12 minutes to adjudicate a work card application for which it charges \$410. Taking 20 months to get to an application is not only unreasonable on its face, but perplexing when employers across the US are struggling to find enough workers to keep their businesses operating."