



MEYER LAW GROUP

YOUR DREAMS. OUR EXPERTISE. TOGETHER.

August 6, 2020

Re: Potential Use of a Writ of Mandamus for Form I-526, I-829 or I-924

Dear Valued Clients,

On July 22, 2020 United States Citizenship & Immigration Services (“USCIS”) posted its performance data on all USCIS Petitions and Applications for Quarter 2 of Fiscal Year 2020. The data reveals that USCIS received only 21 Form I-526 petitions, approved 714 cases, and denied 190 cases between January 2020 to March 2020.¹ According to USCIS’ published adjudication statistics for Form I-526, for Quarter 1, USCIS only adjudicated 455 cases (383 approvals and 72 denials) between October to December 2019.²

Despite the decreasing number of I-526 petitions filed, the average processing time posted for a Form I-526 petition has recently experienced a sharp increase to over 74 months, with the online receipt date for case inquiries pushed back to May 29, 2014. Just three months ago USCIS was accepting inquiries for petitions filed before March 2, 2016. Form I-829 processing times are likewise outrageous, in excess of 48 months, even though USCIS is required to adjudicate I-829’s within 90 days of filing.

In our last update, we informed our clients that effective March 31, 2020, USCIS established a new adjudications process that prioritizes the processing of Form I-526 petitions where visas are immediately available or soon to be available which would result in extended processing delays for applicants from oversubscribed countries, such as China, and Vietnam, including those currently in the pipeline. However, this new system should have the effect of speeding up processing times for foreign nationals outside of China and Vietnam. To date, MLG has seen no evidence that USCIS has actually begun implementing this new adjudication process.

Despite the new I-526 adjudications process and the number of I-526 petitions decreasing over the last few years³, processing times continue to balloon. These ongoing excessive processing delays are not reasonable and are only increasing. They are likely to cause an adverse impact on those who are nervously waiting for I-526, I-829 or I-924 approvals. Therefore, while the processing of immigration applications is severely backlogged, we encourage filing a complaint for a Writ of Mandamus as the most effective way to force USCIS into making a decision. In our many years of experience in EB-5, we have successfully brought actions for a Writ of Mandamus.

¹ https://www.uscis.gov/sites/default/files/document/data/Quarterly_All_Forms_FY2020Q2.pdf

² https://www.uscis.gov/sites/default/files/document/data/I526_performancedata_fy2020_qtr1.pdf

³ *Id.*

A Writ of Mandamus is a legal action brought in Federal Court to compel USCIS to act and either approve or deny an immigration application. **MLG is now recommending that applicants strongly consider pursuing a Writ of Mandamus if they have filed their Form I-526 on or before February 1, 2019, filed a Form I-829 on or before September 1, 2019, or filed a project exemplar Form I-924 on or before June 1, 2019.** We believe that a Writ of Mandamus is an important tool that the EB-5 community can rely on when USCIS unreasonably delays in performing its duties. We recommend you speak with MLG about the potential for using a Writ of Mandamus to accelerate action on your I-526, I-829, or I-924 and look forward to discussing any questions you may have.

Yours sincerely,
Meyer Law Group

A handwritten signature in blue ink that reads "Brandon Meyer". The signature is written in a cursive style with a large, stylized "M" at the end.

Brandon Meyer
Managing Partner