

USCIS Returns to Concurrent Processing of Nonimmigrant Primary and Dependent Applicants' Forms

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In a settlement agreement signed on January 19, 2023, USCIS agreed to “bundle” the adjudication of dependent applicants’ [Form I-539](#) (Application to Extend/Change Nonimmigrant Status) and [Form I-765](#) (Application for Employment Authorization) with the primary applicant’s [Form I-129](#) (Petition for Nonimmigrant Worker) if the forms are filed together as one package.

Stemming from a settlement reached with USCIS in a class action litigation, the agreement marks a return to the previous practice of concurrent adjudication and provides a significant benefit to foreign national families living and working in the United States.

Reviewing primary and dependent applications concurrently streamlines the adjudication process, reduces processing times, ensures consistent expiration dates for family members, and eliminates lengthy gaps in work authorization for dependent applicants.

The agreement, as currently written, does not allow for concurrent review if the applications are filed separately.

Recognizing the impact of dependent spouses engaged in the U.S. workforce, and their contributions in rebuilding and revitalizing the U.S. economy, USCIS has taken other measures to decrease processing times and permit automatic extensions of employment authorization, where appropriate, including:

- Re-use of [previously captured biometrics](#)
- [L-2 work authorization](#) incident to status
- [H-4 EAD automatic extensions](#) when the H-4 has already been extended

In other efforts to speed up adjudication, as of January 30, 2023, USCIS will expand premium processing to all employment-based categories of [Form I-140](#) (Immigrant Petition for Alien Workers), including for multinational executives or managers, and those seeking national interest waivers, whose work has substantial merit and national important to the United States.

USCIS has adopted a phased approach in the expansion of premium processing over the past year, as the agency is required to adhere to the legislative requirements to ensure expansion of the premium processing program does not adversely impact other categories of applications or consequently increase processing times for other benefits.

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