

2021 Conference on Immigration and Nationality Law

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Business NIV Solutions - Practical Timing Considerations to Maintain/ Extend Status and Consular Processing

*Philip Eichorn
James Prappas*


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Employment Authorization Document (EAD)

8 CFR §274a – Control of Employment of Aliens


- **8 CFR §274a.12(a)** - Foreign nationals authorized employment incident to status – With some exceptions, an EAD **IS** required.
- **8 CFR §274a.12(b)** - Foreign nationals authorized for employment with a specific employer incident to status or parole...EAD is **NOT** required.
- **8 CFR §274a.12(c)** – Foreign nationals who **MUST** apply for employment authorization.

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- Service Center Dependent
 - Premium Processing Not Currently Available
 - 10/01/2021 - Texas Service Center – Allegedly 1 to 13 months
 - 10.5 Months to 14.5 Months - H-4 spouse of an H-1B nonimmigrant (filed with I-539 H4) [(c)(26)]
 - 8.5 Months to 12 Months - H-4 spouse of an H-1B nonimmigrant (Standalone; not filed with I-539 H4) [(c)(26)]
 - 8.5 Months to 14 Months - L-2 spouse of an L-1 nonimmigrant [(a)(18)]

AILA Doc. No. 19042400 | Dated September 22, 2021 -
[Why Is Your Case Taking So Long? USCIS Processing Delays Have Now Hit Crisis Levels](#)


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- Case by Case Basis
 - Sole Discretion and No Appeals
 - Criteria:
 - Severe financial loss to a company or person, provided that the need for urgent action is not the result of the petitioner’s or applicant’s failure to:
 - Timely file the benefit request, or
 - Timely respond to any requests for additional evidence;
 - Emergencies and urgent humanitarian reasons;
 - Nonprofit organization (as designated by the Internal Revenue Service (IRS)) whose request is in furtherance of the cultural and social interests of the United States;
 - U.S. govt. interests (such as urgent cases for federal agencies such as the USDOS, USDOL, DHS, or other public safety or national security interests); or
 - Clear USCIS error.
 - Present Well-Documented Case via Phone to USCIS Customer Service

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- Case Inquiries
 - Case Outside Normal Processing Time
 - Undelivered Notice / Card
 - Ask “Emma”
 - Contact Center Live Assistance - AILA provides a Practice Pointer at [AILA - Practice Pointer: Navigating the USCIS Contact Center](#) AILA Doc. No. 19101631

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- Confirm Expiry Data
 - Against Customary Issued Validity Periods
 - EAD card against I-797 Approval Notice
 - E-Request for Typographical Error, Ask “Emma”, or Contact Center Live
 - Data Management
 - Case Management System
 - 180 Day (From Expiry Date) Filing Window for Extension
 - 210 Days for Most Extensions
 - 240 Days for L-2 Consular Renewals (primary or dependent)
 - Timely File! And Provide Applicant with Current Processing Times.

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Title search: Business NIV Solutions - Practical Timing Considerations to Maintain/Extend Status and Consular Processing

Also available as part of the eCourse

[2021 eConference on Immigration and Nationality Law](#)

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