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TSC Updates ? 09/21/09

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Submitted by Chief Editor on Sep 21st 2009

I-140 processing and adjudications - On an average TSC is completing around 9,600 I-140 adjudications per month. As of now the incoming I-140 volume is slightly less. As of reaching its goal TSC is close to becoming current on all I-140s which includes the ones filed during 2007 summer. About 5000 stand-alone I-140s are still awaiting adjudication the backlog.

On a going forward basis in the near future TSC anticipates to have I-140 processing times within 4 months. TSC will process the I-140 portion of the case when the visa numbers are retrogressed and usually the procedure followed by TSC is to work on EB-1 cases first and then later followed by EB-2 and EB-3 cases.

However there has been a slowdown in processing of asylum cases like the I-730s and I-485s. This is due to restructuring and also in the introduction of a new process to keep family units together during adjudication.

As USCIS is trying hard to make sure that all offices are working at full capacity some cases may be transferred from TSC to other offices which also include the Field offices for adjudication and processing.

RFE on I-140 petitions in successor-in-interest situations - The examiner usually issues an RFE so that the appropriate evidence can be submitted when an adjudicator becomes aware that there is a successor-in-interest on a pending file. The pending I-140 will then be dealt through the RFE process. However if required under the applicable law and regulation I-140s that are already approved may require the filing of an amended I-140.

Rejection notices and mailroom - Standard rejection cover letters have been received in most of the letters requesting TSC to take action on pending cases have simply been rejected by the mailroom.

Note: If an applicant believes a case has been rejected in error, the applicant should in the first instance resubmit the filing using the "double-bag" method. The rejected filing should be placed into a sealed, plain envelope and on the outside of the envelope the member should write "ATTN.: CPAU/Watts. Do Not Open in the Mailroom. Previously Rejected in Error." That sealed envelope should then be placed inside a regular mailer envelope (FedEx, Express Mail, etc.) and sent to TSC. On the outside envelope, also indicate "ATTN.: CPAU/Watts.?"

The street address for TSC, 4141 N. St. Augustine Rd., Dallas, TX 75227, is preferred. Be sure and include (a) copy(ies) of the rejection notice(s).

I-140 and classification box - TSC rejects filing when I-140 is submitted without a classification box marked or has more than one classification box marked in Part 2. However the examiner has the discretion to issue an RFE to obtain clarification when an I-140 is properly filed and if during adjudication the examiner sees an inconsistency between the classification box marked and evidence in the record. This could be like an Attorney of Record's cover letter or Petitioner's supporting letter showing or seeking a different classification and also if the discrepancy appears to have been a genuine clerical error or an innocent mistake.

On the other hand a decision will be made on the record if the different box in Part 2 was marked intentionally like an advantage was gained by the filing, such as ability to file an I-485/I-765/I-131 due to priority date current and receive prematurely benefits. An MTR with fee may be filed to request review of the denial once a case is denied.

Green Card:

Form I-140 ^[2]

Agency:

TSC ^[3]

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[1] <https://immigration.com/news/form-i-140/tsc-updates-%E2%80%93-092109>

[2] <https://immigration.com/greencard/green-card/form-i-140>

[3] <https://immigration.com/agencies/agency/dhs/uscis/tsc>