

DELAY OF FOUR YEARS FOUND UNREASONABLE

A federal district court in Massachusetts recently found that a 4-year delay in adjudication of an I-485 application of the plaintiff to adjust his status to permanent resident [application for green card] is unreasonable and ordered the Government to render decision on said application within two months.

It is important to note that the court under its Mandamus jurisdiction has authority to order that an application pending for an unreasonable time must be adjudicated by the US Citizenship and Immigration Service soon. However, this does not mean that the court has the authority to order the USCIS to approve the application. Adjudication of an application may result in approval or it may very well result in denial of the application. The Order of the court ensures that the alien will have a decision soon on his long pending application. Here is what the court's order of December 17, 2008 said:

While it would be difficult to identify with any precision a "boundary between reasonable and unreasonable time for adjudication of permanent residency applications," the four-year delay here is clearly not reasonable. Accordingly, Defendants are hereby ordered to adjudicate Plaintiff's application for adjustment of status and render a decision by February 17, 2009. Parties shall notify this court of the Government's decision with respect to the application by February 20, 2009.