



June 27, 2022

Ur M. Jaddou  
Director, U.S. Citizenship and Immigration Services  
5900 Capital Gateway Drive  
Camp Springs, Maryland 20588

Tracy Renaud  
Associate Director, Service Center Operations Directorate  
20 Massachusetts Ave., NW  
Washington, DC 20529

**RE: Texas Service Center Operations**

Dear Ms. Jaddou:

We write today to seek assistance on resolving an issue at the Texas Premium Processing unit of the USCIS which is significantly affecting the ability of our health care providers to staff much-needed nursing positions.

The problem is this: health care employers are utilizing the premium processing method (additional \$2,500 processing fee) to expedite I-140 Immigrant Petitions for Registered Nurses. While the I-140 petition is being processed within the 15-day timeframe, it is taking between 4 to 6 months for the file to be transferred to the National Visa Center (NVC). Until the file reaches NVC, the nurse is not able to proceed with the remainder of the process (i.e., paying immigrant visa fee, submitting civil documents and getting an interview scheduled).

This delay is frustrating and is defeating the benefit of premium processing. Unfortunately, health care employers can't choose which location to file since the jurisdiction of the USCIS Service Center is based upon the location of the work. USCIS dictates where petitions are filed, based upon the location of the employer's worksite where the person will work.<sup>1</sup>

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<sup>1</sup> I-140 petitions under Premium Processing must be submitted to the Texas Service Center if the work location is in any of the following states: Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Texas, Vermont, Virginia, U.S. Virgin Islands, or West Virginia. See [Direct Filing](#)

This issue seems isolated to the Texas Service Center, as there have not been the same problems at the Nebraska Service Center. Cases filed at Nebraska Service Center at the same time as those filed at the Texas Service Center have moved through the fee bill and document collection stage at NVC while the cases from the Texas Service Center are still waiting arrival at NVC. Health care petitioners have contacted the NVC on affected cases and the NVC has confirmed that they have not received the file from USCIS.

The premium processing method provides two things that are intended to provide better, faster service:

1. **Premium/expedited processing time:** If USCIS does not process the case within the 15-day timeframe, USCIS must refund the \$2,500 premium processing fee to the petitioner.

However, there has been no recourse when the file is not transferred to NVC after the approval of the I-140 immigrant petition within that window of time.

2. **Email communication:** As a benefit of using the premium processing option, with the additional \$2,500 per case fee, USCIS premium processing has a dedicated email address where a petitioner who files under premium processing can inquire about that specific case filed under premium.

Unfortunately, the TSC has not been responsive to email inquiries on specific premium processing cases where there is a delay in transferring the file to NVC. Instead, USCIS responds that since the case is approved it is no longer eligible for assistance by the premium processing unit. Initially, this refusal to assist “post-approval” was indicated in separate emails, but apparently now TSC has set up an automated email reply stating, “If your case has already been approved...it will not be handled via this mailbox.” Attached is a copy of previous email responses.

The health care organization files the I-140 applications under the premium processing method, paying the additional \$2,500 per case for 15-day processing rather than the 8-to-10-month regular processing method. They are using the premium processing method despite the additional cost because of the severe nursing shortage they are experiencing; each month a foreign nurse is delayed in arriving in the U.S. impacts staffing. While USCIS approves the petition within 15-days the benefit of premium processing is partially lost because of the lag time in sending the file to NVC.

We would appreciate if you will look into this and resolve the problem as quickly as possible. Please feel free to contact AHCA/NCAL’s Dana Ritchie at [dritchie@ahca.org](mailto:dritchie@ahca.org) if you have any questions.

Advancing Excellence in Long-Term Care Collaborative

American Health Care Association

American Seniors Housing Association

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[Addresses for Form I-140, Immigrant Petition for Alien Worker | USCIS](#). Thus, this delay at the Texas Service Center affects employers in half of the entire United States.

ANCOR

Argentum

The Association of Jewish Aging Services

LeadingAge

Lutheran Services in America

National Association of State Veterans Homes

National Center for Assisted Living

Pediatric Complex Care Association

Enclosure