



News & Types: Immigration Update

Immigration Application Denial Rates Increase by 37%

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Practices: Immigration

In an article by David Bier at the Cato Institute, under the current administration, immigration application denial rates increased by 37% since the 2016 Fiscal Year. Notably, denials of advance parole, which allows foreign nationals to travel without jeopardizing pending applications increased from 7.2% to 18.1%, and the denial rate for I-129 petitions, which are typically filed by employers seeking to hire foreign nationals, increased from 16.8% to 22.6%.

Since we have already witnessed an increase in the issuance of Requests for Evidence ("RFE") in I-129 filings of over 40% of all applications filed, this would indicate that approximately 50% of those applications for which an RFE is issued are subsequently denied.

As a result, it is essential that care be taken in filing applications with USCIS in order to avoid the RFE or subsequent denial. In our opinion, applications must be thoroughly documented, clearly explained and filed with as much supporting evidence as possible. Prior to filing an I-129, an analysis should be undertaken to determine if alternative visa options are available, such as the E visa or L-1 Blanket, which avoids the filing of an I-129 application at USCIS. While the E visa or L-1 Blanket may not necessarily be easier, and will not result in an approval of an applicant who is not eligible for the classification, these options may result in a more consistent application of the law and faster adjudication.