



Bretz & Coven, LLP
ATTORNEYS AT LAW



Here at Bretz & Coven, LLP, we have over 20 years filing mandamus requests with federal District Courts in New York, New Jersey and Connecticut compelling the USCIS to take action on cases that have been delayed or stuck in the docket. In most cases, our immigration attorneys will get an adjudication within 120 days of filing.

**If you wish to request a mandamus
or for more information, call
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By Appointment Only

Writ of Mandamus

When Should I Request a Writ of Mandamus?

Have you filed for a green card but are waiting too long for it to be approved? Is your citizenship petition taking forever? You have already applied, but your work authorization hasn't been delivered. If you are tired of waiting for your green card or you were interviewed for naturalization and citizenship, but haven't received a decision yet, there is a solution: a writ of mandamus.

What Is a Writ of Mandamus?

A writ of mandamus can be issued by a judge at the petitioner's request when the authority of a higher court is needed to compel an action by an individual, a government agency, or a lower court to do something they are legally required to do. Mandamus is an extreme measure, but very effective when all else has failed.

How Does a Mandamus Work?

First, the United States Customs and Immigration Services (USCIS) is represented by the U.S. Attorney's office for the District where the mandamus is filed. That is a good thing because, sometimes, an attorney has to tell the client what they need to do. In immigration mandamus, the Assistant U.S. Attorney (AUSA) often tells the USCIS to adjudicate the application immediately because the AUSA does not want to defend the USCIS in an unadjudicated application mandamus, so the AUSA gets the USCIS to make a decision on the matter.

Once the mandamus is filed, the AUSA has 60 days to respond. The AUSA always requests – and is granted – an additional 60 days, which means the AUSA now has 120 days to respond. However, in 99 percent of these cases, a decision is made within that time. This doesn't mean the decision will be in favor of the client, but it is an effective way to move along a case that has been delayed or stuck behind other immigration cases



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