

USCIS Updates Policies to Improve Immigration Services

On June 9, 2021, U.S. Citizenship and Immigration Services (USCIS) issued new policy updates to the USCIS Policy Manual that will clarify the criteria and circumstances for expedited processing; improve the existing request for evidence (RFE) and notice of intent to deny (NOID) guidance; and increase the validity period for initial and renewal employment authorization documents (EADs) for certain noncitizens with pending adjustment of status applications. The noted changes include the following: expedited processing, requests for evidence and notices of intent to deny, and employment authorization documents.

Expedited Processing

Under the updated expedite criteria policy, requestors and USCIS officers are provided further guidance regarding when expedited processing may be warranted. Additionally, nonprofit organizations whose request is in furtherance of the cultural and social interests of the United States may request that a petition be considered for expedited processing. Expedited processing is a special-situation service that USCIS considers for requestors who urgently need their request for immigration benefits adjudicated. USCIS reviews such requests on a case-by-case basis.

Requests for Evidence and Notices of Intent to Deny

USCIS is returning to the adjudicative principles from June 2013, which instructed agency officers to issue an RFE or NOID when additional evidence could potentially demonstrate eligibility for an immigration benefit. As part of the updated RFE and NOID policy, USCIS is rescinding guidance within the July 2018 memo, which previously permitted agency officers to deny certain immigration benefit requests instead of first issuing an RFE or NOID. This updated policy will ensure that requestors are given an opportunity to correct innocent mistakes and unintentional omissions. In general, a USCIS officer will issue an RFE or NOID when the officer determines additional information or explanation may potentially establish eligibility for an immigration benefit.

Employment Authorization Documents

The updated policy guidance increases the current one-year validity period on both initial and renewal EADs to two years for certain adjustment of status applicants. Increasing the validity period on EADs for certain adjustment applicants is expected to reduce the number of employment authorization requests USCIS receives and allow the agency to shift limited resources to other priority areas. USCIS indicated that this guidance was issued due to ongoing processing delays affecting the completion of adjustment of status applications.

We will continue to monitor any additional policy changes published by USCIS.



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