

Related Services

Immigration

USCIS Updates Policies to Improve Immigration Services: Expedited Processing, RFEs/NOIDs, EADs

Legal Update

07.08.2021

By Immigration Group

This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.

U.S. Citizenship and Immigration Services (USCIS) issued new policy updates to clarify the criteria and circumstances for expedited processing; improve guidance for requests for evidence (RFE) and notices of intent to deny (NOID); and increase the validity period for initial and renewal employment authorization documents (EADs) for certain noncitizens with pending adjustment of status applications.

Secretary of Homeland Security Alejandro Mayorkas said the agency is "taking action to eliminate policies that fail to promote access to the legal immigration system, and will continue to make improvements that help individuals navigate the path to citizenship, and that modernize our immigration system." Acting USCIS Director Tracy Renaud said that USCIS is "committed to promoting policies and procedures that ensure we operate in a fair, efficient, and humane manner that reflects America's heritage as a land of opportunity for those who seek it."

Highlights of the updates include:

Expedited Processing

USCIS is providing enhanced guidance to clarify when expedited processing of a benefit request may be warranted. The new guidance also permits nonprofit organizations whose request is "in furtherance of the cultural and social interests of the United States" to request that a benefit be considered for expedited processing regardless of whether premium processing is available for that benefit.

USCIS Updates Policies to Improve Immigration Services: Expedited Processing, RFEs/NOIDs, EADs



Requests for Evidence (RFEs) and Notices of Intent to Deny (NOIDs)

USCIS is returning to the adjudicative principles of a June 2013 memo, and is rescinding a July 2018 memo that allowed agency officers to deny certain immigration benefit requests instead of first issuing an RFE or NOID. The updated policy will give benefit requestors "an opportunity to correct innocent mistakes and unintentional omissions."

Employment Authorization Documents (EADs)

The one-year validity period on both initial and renewal EADs is increased to two years for certain adjustment-of-status applicants. This is expected "to reduce the number of employment authorization requests USCIS receives and allow the agency to shift limited resources to other priority areas."

Details

- USCIS notice
- "Policy Alert: USCIS Expedite Criteria and Circumstances," PA-2021-12, USCIS, June 9, 2021
- "How to Make an Expedite Request," USCIS
- "Policy Alert: Requests for Evidence and Notices of Intent to Deny," PA-2021-11, USCIS, June 9, 2021
- "Policy Alert: Employment Authorization for Certain Adjustment Applicants," PA-2021-10, USCIS, June 9, 2021
- USCIS Policy Manual