



# GMS Flash Alert

## Immigration Edition

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# United States – USCIS Extends COVID-19 Flexibility on RFEs, NOIDs, Others

On July 25, 2022, the United States Citizenship and Immigration Services (USCIS) extended COVID-19 filing adjustments through October 23, 2022. This announcement allows petitioners, applicants, and requestors the opportunity to file a response within sixty (60) calendar days past the due date flagged in the request or notice before an adjudication.<sup>1</sup> (For prior coverage, see the following issues of *GMS Flash Alert*: [2021-097](#) (March 30, 2021) and [2020-218](#) (May 5, 2020).)

In its effort to evaluate the effectiveness of pandemic-related changes, USCIS also announced its permanent modification to the “wet” signature policy for certain forms including Form I-129, *Petition for a Nonimmigrant Worker*.

## WHY THIS MATTERS

Employers that received a negative decision from USCIS are able to benefit from an extension to advocate their position as to why a beneficiary’s work visa should be approved after an original response deadline.<sup>2</sup> Due to severe delays and lengthy response times, USCIS is allowing leeway in the deadlines for certain forms to allow a more fair and efficient system.<sup>3</sup> USCIS is actively reviewing temporary pandemic related changes to its guidelines aiming to evaluate which modifications merit permanent adoption to its rules.<sup>4</sup>

## More Details on Extensions of Filing Adjustments

The extensions apply to the following responses:

- Request for Evidence;
- Continuations to Request Evidence (N-14);

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- Notices of Intent to Deny;
- Notices of Intent to Revoke;
- Notices of Intent to Rescind;
- Notices of Intent to Terminate Regional Centers (including EB-5 Regional Investment Centers);
- Notices of Intent to Withdraw Temporary Protected Status; and
- Motions to Reopen an N-400 Pursuant to 8 CFR 335.5, Receipt of Derogatory Information After Grant filings.<sup>5</sup>

Additionally, individuals and entities that file Form I-290B, *Notice of Appeal or Motion* and Form N-336, *Request for a Hearing on a Decision in Naturalization Proceedings (Under Section 336 of the INA)* will benefit from USCIS's reconsideration if the form was filed no more than 90 calendar days from an adjudication and the adjudication was made between November 1, 2021 and October 23, 2022, inclusive.<sup>6</sup>

## Permanent Changes to USCIS's Signature Policy

USCIS's modification to the "wet" signature policy is expected to have long-term effects in light of the fact that the agency is still facing delays and impediments in its operations compared to pre-pandemic business.<sup>7</sup> In March 2020, following the declaration of COVID-19 as a national emergency, USCIS implemented flexibility in its "wet" signature policy by allowing filers to use reproduced original signatures.<sup>8</sup> The change allowed filers to use a scanned, faxed, or photocopied version of an original signature to be used in place of a "wet" signature.<sup>9</sup> (For prior coverage, see [GMS Flash Alert 2020-128](#), March 30, 2020.)

USCIS warned that individuals and entities must abide by all other form instructions unless specified.<sup>10</sup> Furthermore, it is recommended that filers safeguard the original documents as USCIS reserves the right to request the original documents when reaching an adjudication.<sup>11</sup>

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## KPMG NOTE

KPMG Law LLP in Canada is tracking this matter closely. We will endeavor to keep readers of *GMS Flash Alert* posted on any important developments as and when they occur.

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## FOOTNOTES:

1 See United States Citizenship and Immigration Services, "[USCIS Extends COVID-19-related Flexibilities](#)" (July 25, 2022).

2 Id.

3 See "[USCIS Response to COVID-19](#)" (last updated July 25, 2022).

## FOOTNOTES continued:

4 See Supra Note 1.

5 Id.

6 Id.

7 Id.

8 United States Citizenship and Immigration Services “[USCIS Announces Flexibility in Submitting Required Signatures During COVID-19 National Emergency](#)” (March 20, 2020).

9 Id.

10 See Supra Note 8.

11 Id.

\* \* \* \*

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