



GMS Flash Alert

Immigration Edition

2022-143 | July 28, 2022



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.¹ (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.² 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.³ USCIS is actively reviewing temporary pandemic related changes to its guidelines aiming to evaluate which modifications merit permanent adoption to its rules.⁴

More Details on Extensions of Filing Adjustments

The extensions apply to the following responses:

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

© 2022 KPMG LLP, an Ontario limited liability partnership and a member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved. Printed in the U.S.A. NDPPS 530159

2022-143 | July 28, 2022

- 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.⁵

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.⁶

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.⁷ 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.⁸ 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.⁹ (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.¹⁰ Furthermore, it is recommended that filers safeguard the original documents as USCIS reserves the right to request the original documents when reaching an adjudication.¹¹

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.

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.

* * * *

Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or one of the following professionals with the KPMG International member firm in Canada:



Laura Wong
Associate Attorney,
U.S. Immigration
Tel. + 1 416-468-7166
Laurawong1@kpmg.ca



Isabel Oviedo
Manager,
U.S. Immigration
Tel. + 1 416-468-7214
ioviedo@kpmg.ca

** Please note the KPMG International member firm in the United States does not provide immigration or labor law services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.*

The information contained in this newsletter was submitted by the KPMG International member firm in Canada.

© 2022 KPMG LLP, an Ontario limited liability partnership and a member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved.

www.kpmg.com

kpmg.com/socialmedia



© 2022 KPMG LLP, a Delaware limited liability partnership and a member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved.

The KPMG name and logo are registered trademarks or trademarks of KPMG International. The KPMG name and logo are trademarks used under license by the independent member firms of the KPMG global organization.

KPMG LLP is the U.S. firm of the KPMG global organization of independent professional services firms providing Audit, Tax and Advisory services. The KPMG global organization operates in 147 countries and territories and has more than 219,000 people working in member firms around the world.

Each KPMG firm is a legally distinct and separate entity and describes itself as such. KPMG International Limited is a private English company limited by guarantee. KPMG International Limited and its related entities do not provide services to clients.

Flash Alert is a GMS publication of KPMG LLP's Washington National Tax practice. To view this publication or recent prior issues online, please click here. To learn more about our GMS practice, please visit us on the Internet: click here or go to <http://www.kpmg.com>.