

GMS Flash Alert

Immigration Edition

2023-021 | January 30, 2023



United States – Update on USCIS’ COVID-19 Flexibilities on RFEs, NOIDs, Others

On January 24, 2023, the United States Citizenship and Immigration Services (USCIS) announced it is extending certain COVID-19 flexibilities through March 23, 2023.¹ This announcement affects certain responses that are received by USCIS sixty (60) calendar days past the due date flagged in the request or notice issued between March 1, 2020 and March 23, 2023, inclusive. USCIS anticipates that this will be the final extension of these accommodations that were implemented due to COVID-19-related difficulties that petitioners and requestors experienced during the pandemic. (For prior coverage, see the following issues of *GMS Flash Alert*: [2022-143](#) (July 28, 2022), [2021-097](#) (March 30, 2021), and [2020-218](#) (May 5, 2020).)

WHY THIS MATTERS

Due to continued disruption that has resulted from the COVID-19 pandemic, 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. In other words, this flexibility policy will give applicants and petitioners more time to gather documents that have been hard to obtain and to respond to RFE’s, etc. – which can be helpful where the agency, petitioners, and requestors have been confronted with challenges due to COVID-19.

The USCIS intends this extension on its COVID-19-related flexibilities to be the final extension to these accommodations and reminds petitioners of their strict compliance with the request or notice deadlines after March 23, 2023.

Intended Final Extension on COVID-19-Related Flexibilities

The extensions apply to the following responses:

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

- 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.²

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 March 23, 2023, inclusive.³

As a reminder to petitioners, USCIS adopted its reproduced signature flexibility permanently on July 25, 2022 and no changes have been made to that policy since its previous announcement. (For prior coverage, see [GMS Flash Alert 2022-143](#), July 28, 2022.)

KPMG INSIGHTS

Where concerned parties who received a response from the list above, have questions about or issues around the USCIS' grant to applicants of an additional 60 calendar days after the response deadline indicated on the notice or request, and how, when, and to whom to submit a response to a request or notice, they should contact their qualified immigration counsel or a member of the immigration team with KPMG Law LLP in Canada (see the Contact Us section).

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](#)" (January 14, 2023).

2 Id.

3 Id.

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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:



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** 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.

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