

# Mobility: Immigration alert

July 2023

## United States

### USCIS policy guidance on rescheduling biometrics services appointments

#### Executive summary

On 6 July 2023, U.S. Citizenship and Immigration Services (USCIS) issued policy guidance outlining procedures relating to requests to reschedule biometric services appointments. The policy guidance clarifies what constitutes good cause requests to reschedule a biometric services appointment. The policy guidance also clarifies the different factors USCIS will consider in cases where a request to reschedule is untimely submitted. Additionally, applicants can now submit a timely request to reschedule their biometric services appointment through the myUSCIS online rescheduling tool.

#### Background and analysis

Per U.S. Department of Homeland Security (DHS) regulations, a person scheduled for a biometrics appointment may request to reschedule the appointment for good cause before the date and time of the appointment. USCIS has not previously released guidance on what qualifies as “good cause” to request rescheduling of an appointment.

The regulations also specify that USCIS considers most applications abandoned and denied if a person fails to appear for a biometric services appointment unless USCIS receives notice of a change of address or a request to reschedule the appointment that warrants excusing the failure to appear before the scheduled appointment time.

The regulations do not outline how USCIS reviews an application when a person fails to appear for their biometric services appointment but an untimely request to reschedule the missed appointment is received.

The new policy guidance clarifies USCIS' treatment of and policies and procedures for rescheduling missed biometric services appointments in certain circumstances as well as requests to reschedule for good cause.

USCIS has specified the following non-exhaustive list of “sufficient reasons” that may qualify as good cause for requests to reschedule a biometric services appointment, in cases of timely and untimely filed requests:

- ▶ Illness, medical appointment, or hospitalization;
- ▶ Previously planned travel;
- ▶ Significant life events such as a wedding, funeral, or graduation ceremony;
- ▶ Inability to obtain transportation to the appointment location;
- ▶ Inability to obtain leave from employment or caregiver responsibilities; and
- ▶ Late delivered or undelivered biometric services appointment notice.

USCIS has provided the following guidance regarding the treatment and rescheduling of missed biometric services appointments in certain circumstances:



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- ▶ **Timely Notice of Change of Address:** USCIS will reschedule a biometric services appointment when a change of address notice is received by the appointment time.
- ▶ **Timely Request to Reschedule:** In determining whether to grant a timely filed request to reschedule a biometric services appointment, USCIS will consider that good cause exists when the applicant provides “sufficient reason” for their inability to appear on the scheduled date.

USCIS may exercise its discretion to consider the applicant’s circumstances, and whether the benefit request has been abandoned, when they have failed to appear for their biometrics services appointment as scheduled. In considering abandonment and whether the officer should exercise discretion to reschedule rather than deny the immigration benefit request, USCIS may consider the following factors:

- ▶ The length of time between the missed appointment and the reschedule request;
- ▶ Whether the applicant has a “sufficient reason” for failing to appear; and
- ▶ Whether a denial would cause undue hardship or expense.

USCIS will only accept untimely rescheduling requests made to the USCIS Contact Center and will not accept untimely requests to reschedule submitted by mail, in person at a USCIS office, or through the myUSCIS online rescheduling tool.

### What this means

Applicants who are unable to attend their biometric services appointment may submit an online request to reschedule the appointment without adverse impact to their case if they have sufficient reason for their request and if the request is submitted prior to the scheduled appointment time.

Applicants should also submit a request to reschedule their biometric services appointment through the USCIS Contact Center even if the appointment date has passed if they had sufficient reason for failing to appear as USCIS may exercise their discretion to consider the application as not abandoned.

We will continue to monitor and review future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional.

**George Reis, Managing Partner**  
+1 416 943 2535  
george.reis@ca.ey.com

**Batia Stein, Partner**  
+1 416 943 3593  
batia.j.stein@ca.ey.com

**Marwah Serag, Partner**  
+1 416 943 2944  
marwah.serag@ca.ey.com

**Jonathan Leebosh, Partner**  
+1 604 899 3560  
jonathan.e.leebosh@ca.ey.com

**Stephanie Lipstein, Partner**  
+1 514 879 2725  
stephanie.lipstein@ca.ey.com

**Author: Alexandra Nikidis**  
+1 416 943 4556  
alexandra.nikidis@ca.ey.com

**Alex Israel, Partner**  
+1 416 943 2698  
alex.d.israel@ca.ey.com

**Christopher Gordon, Partner**  
+1 416 943 2544  
christopher.d.gordon@ca.ey.com

**Roxanne Israel, Partner**  
+1 403 206 5086  
roxanne.n.israel@ca.ey.com

**Nadia Allibhai, Partner**  
+1 613 598 4866  
nadia.allibhai@ca.ey.com

**Melanie Bradshaw, Partner**  
+1 416 876 6671  
melanie.bradshaw@ca.ey.com

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EYG no. 006889-23GbI

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