

Mobility: immigration alert

June 2021

United States

USCIS issues policy manual updates to improve immigration services

Executive summary

On 9 June 2021, USCIS announced new policy updates to its Policy Manual, which target improving processes for Expedited Processing, Requests for Evidence (“RFE”), Notices of Intent to Deny (“NOID”) and increase the validity period for certain Employment Authorization Documents (“EAD”). These policy updates are contemplated to eliminate certain unnecessary barriers and to promote access to the U.S. legal immigration system.

Background and analysis

On 9 June 2021, and in an effort to improve efficiency and to promote access to the U.S. immigration system, the USCIS announced updates to its policy manual. The announced policy updates highlight three key areas that USCIS intends to improve and modernize:

- ▶ Clarifying the guidance for when Expedited Processing may be warranted
- ▶ Returning to previous adjudicative principles that instruct USCIS officers to issue an RFE or NOID when additional evidence may demonstrate eligibility for a benefit
- ▶ Extending the validity period from one to two years for EAD cards issued to certain Adjustment of Status (Green Card) applicants

Expedited processing - The updated expedite criteria policy provides guidance to both USCIS officers and benefits requestors on whether expedited processing may be warranted. Additionally, non-profit organizations whose requests are in the furtherance of the cultural and social interest of the United States may request that a benefit be considered for expedited processing, even if premium processing is available for that benefit. Expedited processing is a special-situation service that USCIS considers on a case-by-case basis for benefit requestors who urgently need their request for an immigration benefit to be adjudicated.

RFEs and NOIDs - USCIS is returning to the previous adjudicative principles of a June 2013 memo that instructed USCIS officers to issue an RFE or NOID when additional evidence could potentially demonstrate eligibility for an immigration benefit. The USCIS also rescinded a July 2018 memo that permitted its adjudicators to deny certain immigration benefit requests instead of first issuing an RFE or NOID. This updated policy ensures that USCIS allows benefit requestors the opportunity to correct innocent mistakes or unintentional omissions in lieu of authorizing USCIS officers to deny a benefits request without first issuing an RFE or NOID.



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EAD cards - The updated policy guidance increases the validity period of EAD cards for adjustment of status ("Green Card") applicants from one year to two years. Extending the EAD card validity period will decrease the volume of EAD extension applications filed with USCIS. Since EAD card extension applications for adjustment of status applicants are free and also since USCIS is experiencing processing delays in the adjudication of Adjustment of Status applications, extending the EAD card validity date to two years will significantly decrease burdens on both USCIS and the EAD card applicant. It is expected also to help in the reduction of the months' long wait for requests for EAD authorization.

What this means

The 9 June 2021 updates to its policy manual demonstrate USCIS's steps toward updating policies that previously failed to promote access to the legal immigration system. The USCIS has stated its commitment to continuing to make improvements to modernize the immigration system and, thus, helping individuals navigate it with fewer barriers. The USCIS also stated that it "will continue to promote policies and procedures to ensure it operates in a fair, efficient, and humane manner that reflects America's heritage of a land of opportunity for those who seek it."

EY Law will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our U.S. immigration professionals.

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