

Press Release

USCIS Announces Flexible Response Times for Notices of Intent to Deny and Requests for Evidence

WASHINGTON – U.S. Citizenship and Immigration Services (USCIS) announced today the transmittal of a final rule, “*Removal of the Standardized Request for Evidence Processing Timeframe*” to the *Federal Register*. This rule will take effect on June 16, 2007.

This rule amends Department of Homeland Security (DHS) regulations by giving USCIS flexibility in setting an appropriate length of time during which applicants and petitioners for immigration benefits must respond to a Request for Evidence (RFE) or Notice of Intent to Deny (NOID). This change does not apply to asylum cases to which a separate set of regulations apply.

USCIS may issue RFEs and NOIDs when the evidence submitted with an application or petition does not establish eligibility for the requested benefit. If an applicant or petitioner does not timely respond to an RFE or NOID, USCIS may deny the case. This rule also describes the circumstances under which USCIS will issue an RFE or NOID before denying an application or petition. It does not, however, eliminate the general requirement that a petitioner or applicant receive an opportunity to review and respond to new information.

When determining an appropriate response time, USCIS will consider such factors as the type of evidence requested, the availability of the evidence and whether it is new or additional evidence. For example, USCIS will give applicants or petitioners shorter periods of time to submit easily obtained documents such as photographs. USCIS will give longer periods of time to submit documents from overseas sources.

The maximum response time will remain 12 weeks for an RFE and 30 days for a NOID. The final rule does not permit extensions of the response time to submit evidence beyond USCIS specified deadlines.

For more information about USCIS, please visit www.uscis.gov.

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