U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director
Camp Springs, MD 20588-0009

U.S. Citizenship and Immigration Services

March 29, 2023 PA-2023-10

Policy Alert

SUBJECT: Filing Periods and Response Timeframes Ending on Saturdays, Sundays, or Federal Holidays

Purpose

U.S. Citizenship and Immigration Services (USCIS) is updating guidance in the USCIS Policy Manual to address instances where the last day of filing a benefit request or response to a Request for Evidence or a Notice of Intent to Deny, Revoke, Rescind, or Terminate, falls on a Saturday, Sunday, or federal holiday.

Background

Certain benefit requestors must file the benefit request within a certain filing period, as prescribed by regulation, statute, and form instructions. Benefit requests where this applies include filing with USCIS within a certain time period of an event, or filing by the time the requestor or beneficiary reaches a certain age.

USCIS does not accept paper-based applications or petitions on Saturdays, Sundays, or federal holidays. Therefore, USCIS is now clarifying that, in instances where the last day of a period for filing a paper-based benefit request, such as the last day before a requestor's or beneficiary's birthday, or the last day of a qualifying time period, falls on a Saturday, Sunday, or federal holiday, USCIS will consider the filing to be timely if received by the end of the next business day. This clarification is consistent with the regulatory definition of a day.[1]

Similarly, this update also clarifies that where the last day to respond by mail to a mailed Request for Evidence or a Notice of Intent to Deny, Revoke, Rescind, or Terminate falls on a Saturday, Sunday, or federal holiday, USCIS will consider the response timely if received by the end of the next business day.

USCIS considers electronically-submitted responses to be received immediately upon submission. These filings, therefore, are not affected by the fact that USCIS does not accept deliveries on Saturdays, Sundays, and federal holidays, and are unaffected by this policy clarification.

This guidance, contained in Volume 1 of the Policy Manual, is effective immediately and applies to all benefit requests and responses to Requests for Evidence and Notices of Intent to Deny, Revoke,

[1] See 8 CFR 1.2.

Rescind, and Terminate pending on or received by USCIS on or after March 29, 2023, unless excepted from this general policy or governed by another authority. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance.

Policy Highlights

- Clarifies that where the last day of a period for filing a paper-based benefit request (including the last day before a requestor's or beneficiary's birthday or the last day of a qualifying time period) falls on Saturday, Sunday, or federal holiday, USCIS will consider the filing to be timely if received by the end of the next business day.

- Clarifies that where the last day of a period to respond by mail to a mailed Request for Evidence or Notice of Intent to Deny, Revoke, Rescind, or Terminate falls on Saturday, Sunday, or federal holiday, USCIS will consider the response to be timely if received by the end of the next business day.

Summary of Changes

Affected Section: Volume 1 > Part B > Chapter 6, Submitting Requests

- Revises first three paragraphs in Section B (Intake Processing) and first paragraph in Section C (Date of Receipt).

- Adds new Section D (Filing Periods Ending on Weekends or Federal Holidays).

Affected Section: Volume 1 > Part E > Chapter 6 > Section F, Requests for Evidence and Notices of Intent to Deny

- Makes edits throughout content under italicized subheading "Timeframe for Response" within Subsection 3 (Requests for Evidence).

- Makes edits throughout content under italicized subheading "Timeframe for Response" within Subsection 4 (Notices of Intent to Deny).

Affected Section: Volume 1 > Part E > Chapter 10 > Section D, Revocation [Reserved]

- Retitles section to "Revocation, Rescission, or Termination" and adds content.

Affected Section: Volume 5 > Part B > Chapter 2 > Section C > Subsection 6, Home Study

- Makes edits to footnote 17.

Affected Section: Volume 6 > Part B > Chapter 3, Filing

- Adds sentence to end of first paragraph.

Affected Section: Volume 6 > Part E > Chapter 6 > Section B > Subsection 3, Validity Periods Ending on Weekends or Federal Legal Holidays

- Retitles subsection to "Validity Periods Ending on Weekends or Federal Holidays" and makes edits throughout.

USCIS may also make other minor technical, stylistic, and conforming changes consistent with this update.

Citation

Volume 1: General Policies and Procedures, Part B, Submission of Benefit Requests, Chapter 6, Submitting Requests [1 USCIS-PM B.6]; Part E, Adjudications, Chapter 6, Evidence [1 USCIS-PM E.6]; Part E, Adjudications, Chapter 10, Post-Decision Actions [1 USCIS-PM E.10].

Volume 5: Adoptions, Part B, Adoptive Parent Suitability Determinations, Chapter 2, Eligibility, Documentation and Evidence (Orphan Process) [5 USCIS-PM B.2].

Volume 6: Immigrants, Part B, Family-Based Immigrants, Chapter 3, Filing [6 USCIS-PM B.3]; Part E, Employment-Based Immigration, Chapter 6, Permanent Labor Certification [6 USCIS-PM E.6].