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Chapter 1 - Purpose and Background

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A. Purpose

Whether occurring in the United States or abroad, emergencies or unforeseen circumstances, such as natural disasters (for example, hurricanes, wildfires, or severe weather), national emergencies (for example, public health emergencies), or other circumstances (for example, terrorist attacks, mass shootings, system outages, or cyber attacks), may present unanticipated challenges to immigration benefit requestors.

Generally, USCIS may, in its discretion, implement certain flexibilities to assist benefit requestors during and after these events on a case-by-case basis. The degree to which USCIS may exercise discretion depends on the specific circumstances and applicable legal authorities. USCIS may also publicly announce the flexibilities and may issue guidance to ensure consistent application of these flexibilities.

B. Background

During or after an emergency or unforeseen circumstances, benefit requestors may experience various setbacks, including difficulties in obtaining documentation demonstrating eligibility for certain immigration benefits, being unable to receive notification of (or respond in a timely manner to) a USCIS-issued request or notice related to a pending benefit request, failing to appear for a scheduled appointment, or being unable to depart the United States before their authorized period of stay expires.

Benefit requestors may also experience unanticipated economic hardship, endure prolonged family separation, find that their USCIS-issued documents are damaged or destroyed, or find that they need to travel outside the United States because of the emergency or unforeseen circumstances.

Emergencies or unforeseen circumstances may also affect the operations of USCIS offices.^[1] USCIS management officials may consider the operational requirements for implementing the flexibilities described in this part as they develop contingency plans in response to emergencies.

In response to certain emergencies or unforeseen circumstances, USCIS informs the public of the availability of various flexibilities.^[2] If a benefit requestor seeks accommodation from USCIS based on the flexibilities referenced in this part, officers must follow corresponding guidance, including any guidance from USCIS headquarters related to the emergency or unforeseen circumstances.

C. Legal Authorities

- [INA 103](#) – Powers and duties of the Secretary, Under Secretary, and Attorney General
- [INA 291](#) – Burden of proof

- [8 CFR 103](#) – Immigration benefit requests; USCIS filing requirements; Biometric requirements; Availability of records

Footnotes

[^1] See Federal Emergency Management Agency’s [Federal Continuity Directive 1, Federal Executive Branch National Continuity Program and Requirements \(PDF\)](#), issued January 17, 2017, which provides guidance to federal executive branch departments and agencies for use in developing contingency plans and programs for Continuity of Operations (COOP). COOP planning is an effort to ensure that the capability exists to continue essential agency functions across a wide range of emergencies.

[^2] See USCIS’ [Immigration Relief in Emergencies or Unforeseen Circumstances](#) webpage.

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Chapter 2 - Emergencies or Unforeseen Circumstances-Related Flexibilities

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USCIS may, in its discretion, implement certain flexibilities when there are emergencies or unforeseen circumstances, such as:

- Natural disasters (for example, hurricanes, wildfires, or other severe weather);^[1]
- National emergencies (for example, public health emergencies);
- Conflicts abroad; or
- Other unforeseen circumstances (for example, terrorist attacks, mass shootings, system outages, or cyber attacks) that may present unanticipated challenges to benefit requestors.

When an emergency or unforeseen circumstance occurs, USCIS may analyze the potential challenges presented to benefit requestors. USCIS may decide to implement flexibilities available within existing authorities to address the challenges.

If a requestor has been affected by an emergency or unforeseen circumstance, USCIS may have discretion to take measures on a case-by-case basis including, but not limited to, requests related to:

- Delays in filing applications, petitions, or requests by or on behalf of nonimmigrants present in the United States;
- Fee waivers;
- Document replacement;
- Rescheduling;
- Parole;
- Expedited processing; and
- Additional periods of satisfactory departure by Visa Waiver Program (VWP) entrants.

The President and the Secretary of Homeland Security have the discretionary authority to provide certain additional flexibilities for requestors, which include:

- Approving individual requests for deferred action submitted by aliens inside the United States;^[2]
- For certain students, suspending limitations on employment, authorizing off-campus work, or authorizing a reduced course load under special student relief;^[3]
- Designating, at the Secretary of Homeland Security's discretion, a foreign state (or part of a foreign state) for temporary protected status, if the statutory conditions exist to support such designation;^[4]

- Exercising discretion to defer certain employment eligibility verification requirements;^[5] or
- Authorizing deferred enforced departure for a designated class of aliens.^[6]

A. Immigration Policy Flexibilities

1. Nonimmigrants Present in the United States

Generally, nonimmigrants must depart the United States before their authorized period of stay expires.^[7] USCIS recognizes that nonimmigrants affected by an emergency or unforeseen circumstance may unexpectedly remain in the United States beyond their authorized period of stay.

Extension of Stay and Change of Status

If seeking an extension of stay or change of status in the United States, nonimmigrants (or petitioners filing on their behalf) generally must file such a request before their authorized period of stay expires to be eligible for an extension of stay or change of status.^[8]

Officers may, in their discretion, excuse a failure to timely file applications or petitions to extend or change status if:

- The benefit requestor is otherwise eligible for the benefit;
- The failure to timely file the extension of stay or change of status before the authorized period of stay expired was due to extraordinary circumstances beyond the control of the applicant or petitioner; and
- The delay in filing was commensurate with the circumstances.^[9]

Officers determine whether an emergency or unforeseen circumstance constitutes extraordinary circumstances beyond the control of the benefit requestor and, if so, may excuse the failure to timely file.^[10]

If the officer denies an extension of stay or change of status request, and the alien has fallen out of status, the officer should follow current Notice to Appear (NTA) policies to determine if issuance of an NTA is appropriate.

Visa Waiver Program Entrants – Satisfactory Departure

VWP entrants are generally not eligible for an extension of stay or change of status.^[11] However, where an emergency or unforeseen circumstance prevents the departure of a VWP entrant, USCIS may exercise discretion to grant up to 30 days to allow for satisfactory departure.^[12] For those VWP entrants already granted satisfactory departure and unable to depart within this 30-day period because of an emergency or unforeseen circumstance, USCIS has the authority to provide an additional 30-day period of satisfactory departure.^[13] Officers determine whether an emergency or unforeseen circumstance constitutes an emergency that merits an approval of satisfactory departure.

To request satisfactory departure from USCIS, a VWP entrant should contact the USCIS Contact Center^[14] and provide proof of the emergency or unforeseen circumstance. The USCIS Contact Center forwards the request to the local field office for consideration. If USCIS approves the request, the officer provides the requestor with a notification of a grant of satisfactory departure. Any notice issued by USCIS approving satisfactory departure should reflect:

- The period of satisfactory departure;
- The A-number, if any;
- The office name; and
- The date of notification.

USCIS provides similar notification to U.S. Customs and Border Protection (CBP).

Aliens stranded at a U.S. port of departure should contact CBP officers to request satisfactory departure. Alternatively, VWP entrants may contact the USCIS Contact Center.^[15]

Adjustment of Status

Generally, aliens applying for adjustment of status must demonstrate that they have maintained continuous lawful immigration status since entry into the United States.^[16] However, an applicant for adjustment of status may still be eligible notwithstanding their failure to maintain continuously a lawful status if such a failure was through no fault of the applicant or for technical reasons.^[17]

Reinstatement to Student Status

If otherwise eligible for reinstatement, students who fail to maintain their F-1 or M-1 nonimmigrant status as a result of an emergency or unforeseen circumstances may apply for reinstatement to student status by filing an Application to Extend/Change Nonimmigrant Status ([Form I-539](#)).^[18] Exchange visitors who fail to maintain their J-1 nonimmigrant status may request reinstatement to exchange visitor status under the U.S. Department of State regulations.^[19]

2. Parolees

Parole allows an individual, who may be inadmissible or otherwise ineligible for admission into the United States, to come to or remain in the United States for a temporary period.^[20] Generally, parolees must depart the United States when their authorized period of parole expires.^[21]

USCIS recognizes that emergencies and unforeseen circumstances may unexpectedly prevent parolees from departing the United States before the expiration of their authorized period of parole, which would result in the accrual of unlawful presence unless the alien is otherwise protected from such accrual under the law or USCIS policy.

Parolees whose initial period of parole was authorized by USCIS who wish to request a new period of parole, also known as re-parole, may generally file such a request with USCIS before their initial parole period expires.^[22] USCIS may exercise discretion to approve re-parole for urgent humanitarian reasons or significant public benefit on a case-by-case basis.^[23]

3. Expedited and Emergency Issuance of Travel Documents

USCIS may, in its discretion, consider expedited or emergency issuance of certain travel documents for applicants who are inside the United States and wish to travel outside the United States due to an emergency or unforeseen circumstances and later return to the United States.^[24] USCIS considers these requests on a case-by-case basis.

4. Deferred Action

Deferred action is a form of prosecutorial discretion to defer removal action (deportation) against an alien for a certain period of time.^[25] Aliens granted deferred action are considered to be in a period of stay authorized under USCIS policy for the period deferred action is in effect.^[26] However, deferred action is not a lawful immigration status and does not excuse any past or future periods of unlawful presence.^[27]

USCIS reviews deferred action requests on a case-by-case basis and considers all positive and negative factors when considering whether to exercise discretion to defer removal action.^[28]

USCIS may consider emergencies or unforeseen circumstances that prevent the departure of an alien without another lawful basis to remain in the United States when determining whether to approve deferred action.

5. Employment Authorization for F-1 Students

Emergencies or unforeseen circumstances beyond the student's control may cause alien students severe economic hardship. If otherwise eligible, an F-1 student who is experiencing severe economic hardship may qualify for off-campus employment authorization or other relief.^[29]

6. Document Replacement

A benefit requestor may file to replace a USCIS-issued document in the event that the document is not delivered, lost, damaged, destroyed, or contains incorrect information.^[30] The requestor must file any application for document replacement according to the instructions and regulations in existence at the time of filing. Eligible applicants may seek a fee waiver or be eligible for a fee exemption for certain document replacement requests.^[31]

7. Flexibilities for Conditional Permanent Residents

In general, conditional permanent residents must file either a Petition to Remove Conditions on Residence ([Form I-751](#)) or a Petition by Investor to Remove Conditions on Permanent Resident Status ([Form I-829](#)) during the 90-day period immediately preceding the second anniversary of the conditional permanent resident receiving permanent resident status.^[32]

Officers may excuse the late filing of Form I-751 or Form I-829 if the conditional permanent resident files after the 90-day period and includes a written statement indicating that there is good cause, such as an emergency, that prevented a timely filing.^[33]

8. Flexibilities for Failure to Respond to a Request for Evidence or to Certain Notices

If the evidence a benefit requestor submits is incomplete or insufficient to establish eligibility, officers may issue a Request for Evidence (RFE) or a Notice of Intent to Deny (NOID) to the requestor.^[34] USCIS may deny an application, petition, or request on the merits of the case if the requestor fails to establish eligibility through the submission of additional evidence before the deadline provided in the notice.

USCIS may also (or alternatively) deny for abandonment if the requestor fails to respond to the RFE or NOID or fails to provide required initial evidence by the required date.^[35] In general, USCIS does not reopen applications or petitions denied for abandonment unless the benefit requestor meets certain limited criteria, or USCIS decides to reopen the proceeding on its own motion.^[36]

In response to an emergency or unforeseen circumstance, USCIS may temporarily delay the adjudication of the benefit request following the RFE or NOID deadline. During this period of time the requestor may submit additional evidence, including that requested in the RFE or NOID, and USCIS may consider such evidence before adjudicating the benefit request.

In determining such a period, USCIS considers any applicable extenuating circumstances related to the emergency or unforeseen circumstance, including, but not limited to:

- Disruptions to the postal service during or after an emergency;
- Disruptions to public transportation;
- Loss of domicile;
- Loss or damage to property;
- Displacement;
- Inoperable telephone or cellular service; or
- Lack of access to the internet.

If the benefit requestor fails to respond to any notice issued by the end of the flexibility period, the officer may adjudicate the case on the existing record. USCIS must notify the requestor of the decision and, if applicable, the termination of any associated benefit.^[37]

If the benefit requestor demonstrates that they are unable to obtain certain evidence due to an emergency or unforeseen circumstances, the officer may exercise their discretion to provide the benefit requestor an opportunity to demonstrate they meet eligibility requirements through alternative means, if permitted under the applicable statutory or regulatory framework.^[38]

Officers may also exercise their discretion to reopen a denial decision upon USCIS motion and reconsider the benefit requestor's eligibility if the benefit requestor establishes that they failed to respond as a result of an emergency or unforeseen circumstance.^[39]

9. Motions to Reopen and Appeals

Untimely Motions to Reopen

Applicants and petitioners must file a motion to reopen a proceeding within 30 calendar days of the decision that the motion seeks to reopen, or within 33 days if the decision was mailed.^[40] USCIS may excuse failure to file before this period expires where the applicant or petitioner demonstrates that the delay was reasonable and was beyond their control.^[41] USCIS may consider delays caused by emergencies or unforeseen circumstances to be reasonable and beyond the control of the applicant or petitioner.

There is no similar provision excusing untimely filings for a motion to reconsider.

Untimely Appeals

Appeals must be filed within 30 calendar days of the adverse decision, or within 33 days if the decision was mailed.^[42] The Administrative Appeals Office must reject an appeal that is not filed within the time allowed.^[43] However, if the untimely appeal meets the requirements of a motion, USCIS treats the appeal as a motion to reopen or reconsider.^[44]

10. Fee Waivers and Exemptions

Individuals impacted by an emergency or unforeseen circumstances may experience financial disruptions, including unexpected expenses and temporary or permanent loss of income or employment. Such disruptions may impact the ability of benefit requestors to pay required filing fees. A fee waiver request may be filed with certain benefit requests based on various criteria, including financial hardship.^[45]

USCIS announces via the public website any fee exemption the USCIS Director may approve in connection with an emergent circumstance,^[46] including a declared major natural disaster.^[47]

11. Expedited Processing

Immigration benefit requestors may request that USCIS expedite the adjudication of an application, petition, request, appeal, or motion that is under USCIS jurisdiction.^[48] Relevant expedite criteria or circumstances that may be considered in determining whether to approve an expedite request include, but are not limited to, emergencies or urgent humanitarian situations.^[49]

Benefit requestors seeking expedited processing must demonstrate that their request merits expedited processing as a matter of discretion based on one or more criteria or circumstances.^[50] If a benefit requestor is seeking expedited processing on the basis of an emergency or unforeseen circumstance, they must demonstrate how the emergency or unforeseen circumstance created the need for expedited processing.

USCIS may expedite adjudication of an application, petition, request, appeal, or motion at its discretion. USCIS considers the totality of the circumstances and evidence submitted in support of an expedite request. In general, officers do not need to request approval before deciding whether to expedite; however, local policies for various immigration applications, petitions, or requests may outline operational requirements associated with expedited processing, including supervisory review.

B. Burden of Proof

The benefit requestor has the burden of proof to establish eligibility for an immigration benefit.^[51] To satisfy this burden, requestors must provide sufficient evidence to meet the applicable standard of proof.^[52]

In the event of an emergency or unforeseen circumstances, requestors may have difficulty presenting certain types of evidence to meet their burden of proof for the benefit sought. In these situations, if permitted under the applicable statutory or regulatory framework, officers may exercise discretion in evaluating other types of evidence to determine whether it is sufficient for the benefit requestor to satisfy the applicable standard of proof for the benefit sought.^[53]

If a requestor does not provide certain documentation to meet the burden of proof, officers may, in their discretion, corroborate the information through systems checks, file review, third-party affidavits, testimony, or other means, in determining whether the evidence meets the standard of proof.^[54] USCIS may also extend this flexibility to a specified group of benefit requestors and their family members following an emergency or unforeseen circumstance.

C. Considerations for Aliens Outside the United States

USCIS may assist certain aliens requesting urgent travel to the United States or who require documentation to return from temporary travel outside the United States.

1. Humanitarian or Significant Public Benefit Parole

Aliens who are outside of the United States may request parole into the United States based on urgent humanitarian reasons or significant public benefit.^[55] Parole is not intended to be used solely to avoid normal visa processing procedures and timelines, to bypass inadmissibility waiver processing, or to replace established refugee processing channels.

An applicant may demonstrate urgency by establishing a reason to be in the United States that calls for immediate or other time-sensitive action, including (but not limited to) critical medical treatment, or the need to visit, assist or support a family member who is at an end-of-life stage of an illness or disease. The factors considered in determining urgent humanitarian reasons depend on the type of parole request.^[56]

Parole based on significant public benefit includes, but is not limited to, law enforcement and national security reasons or foreign or domestic policy considerations.

2. Returning from Temporary Travel Outside the United States

Lawful Permanent Residents (LPRs), including conditional residents, returning from temporary travel outside the United States of less than 1 year and whose Permanent Resident Card has been lost, stolen, or destroyed may apply for a travel document (carrier documentation) that allows them to board an airline or other transportation carrier without the airline or transportation carrier being penalized. LPRs returning from temporary travel outside the United States of less than 2 years and whose reentry permits have been lost, stolen, or destroyed may do so as well.

Aliens outside the United States whose advance parole document, TPS travel document, or Employment Authorization Document with travel endorsement has not expired but has been lost, stolen, damaged, or destroyed while the alien was abroad may also request carrier documentation from USCIS.

LPRs and other aliens who wish to request carrier documentation may do so by filing an Application for Carrier Documentation ([Form I-131A](#)).

Footnotes

^[^ 1] Domestically, USCIS may apply flexibilities, as appropriate, to individuals affected by natural catastrophes who live in a location that the Federal Emergency Management Agency (FEMA) has identified as a disaster area for purposes of public assistance. See FEMA's [Disasters & Assistance](#) and [How a Disaster Gets Declared](#) webpages for more information.

^[^ 2] USCIS, as well as U.S. Immigration and Customs Enforcement (ICE), may authorize deferred action as a discretionary act of administrative convenience to delay or decline to exercise immigration enforcement authority on a case-by-case basis. See Section 442(c) of the Homeland Security Act of 2002, [Pub. L. 107-296 \(PDF\)](#), 116 Stat. 2135, 2194 (November 25, 2002). See [Delegation to the Bureau of Citizenship and Immigration Services](#), Delegation 0150.1, signed June 5, 2003 (effective March 1, 2003) (delegating authority to grant deferred action).

[^ 3] ICE may allow designated school officials to authorize a reduced course load for students. See [8 CFR 214.2\(f\)\(6\)\(iii\)](#). ICE or USCIS may authorize a temporary change to employment requirements for students. See [INA 101\(a\)\(15\)\(F\)\(i\)](#). See [8 CFR 214.2\(f\)](#). See Volume 2, Nonimmigrants, Part F, Students (F, M) [[2 USCIS-PM F](#)].

[^ 4] The Secretary of Homeland Security, after consultation with appropriate federal agencies, may designate a foreign state (or any part of such foreign state) for temporary protected status if the conditions in the foreign state fall into one, or more, of the three statutory bases for designation: armed conflict, environmental disasters, or extraordinary and temporary conditions. See [INA 244\(b\)\(1\)](#).

[^ 5] DHS may exercise discretion to defer requirements associated with Employment Eligibility Verification ([Form I-9](#)) generally found in [INA 274A](#).

[^ 6] The President of the United States may authorize deferred enforced departure for a designated group of aliens as an exercise of the President's power to conduct foreign relations.

[^ 7] See Volume 2, Nonimmigrants, Part A, Nonimmigrant Policies and Procedures, Chapter 4, Extension of Stay, Change of Status, and Extension of Petition Validity [[2 USCIS-PM A.4](#)].

[^ 8] See [8 CFR 214.1\(c\)\(4\)](#) and [8 CFR 248.1\(b\)](#) (timely filing for change of status applications). However, this requirement does not apply to an alien applying to obtain V nonimmigrant status. See [INA 101\(a\)\(15\)\(V\)](#). See [8 CFR 214.15\(f\)](#). For specific filing and eligibility requirements for extensions of stay and changes of status, see instructions for Petition for a Nonimmigrant Worker ([Form I-129](#)) and instructions for Application to Extend/Change Nonimmigrant Status ([Form I-539](#)).

[^ 9] See [8 CFR 214.1\(c\)\(4\)](#) and [8 CFR 248.1\(b\)](#).

[^ 10] For more discussion of how USCIS exercises its discretion for these untimely requests and the effect of approval on the nonimmigrant's lawful status, see Volume 2, Nonimmigrants, Part A, Nonimmigrant Policies and Procedures, Chapter 4, Extension of Stay, Change of Status, and Extension of Petition Validity [[2 USCIS-PM A.4](#)]. For a discussion of how approved untimely requests could impact a subsequent adjustment of status application, see Volume 7, Adjustment of Status, Part B, 245(a) Adjustment, Chapter 4, Status and Nonimmigrant Visa Violations (INA 245(c)(2) and INA 245(c)(8)) [[7 USCIS-PM B.4](#)].

[^ 11] See [8 CFR 248.2\(a\)](#).

[^ 12] See [8 CFR 217.3\(a\)](#). USCIS determines whether unforeseen circumstances qualify as an emergency under this provision.

[^ 13] See [8 CFR 217.3\(a\)](#).

[^ 14] See the [USCIS Contact Center](#) webpage.

[^ 15] See the [USCIS Contact Center](#) webpage.

[^ 16] See [INA 245\(c\)\(2\)](#) and [INA 245\(c\)\(7\)](#). See Volume 7, Adjustment of Status, Part B, 245(a) Adjustment, Chapter 4, Status and Nonimmigrant Visa Violations (INA 245(c)(2) and INA 245(c)(8)) [[7 USCIS-PM B.4](#)].

[^ 17] See [INA 245\(c\)](#). See [8 CFR 245.1\(b\)\(6\)](#), [8 CFR 245.1\(d\)\(2\)\(i\)](#), [8 CFR 245.1\(d\)\(2\)\(ii\)](#), and [8 CFR 245.1\(d\)\(2\)\(iii\)](#) (maintenance of status in adjustment of status to permanent residence applications). See Volume 7, Adjustment of Status, Part B, 245(a) Adjustment, Chapter 4, Status and Nonimmigrant Visa Violations (INA 245 (c)(2) and INA 245 (c)(8)), Section E, Exceptions [[7 USCIS-PM B.4\(E\)](#)].

[^ 18] See [8 CFR 214.2\(f\)\(16\)](#) and [8 CFR 214.2\(m\)\(16\)](#).

[^ 19] See [22 CFR 62.45](#).

[^ 20] See [INA 212\(d\)\(5\)\(A\)](#). For more information on parole, see the [Humanitarian or Significant Public Benefit Parole for Aliens Outside the United States](#) webpage.

[^ 21] See [8 CFR 212.5\(d\)](#). Parole is not an immigration status and is temporary in nature. However, a parolee may apply for any immigration status for which they may otherwise be eligible while present in the United States, which may allow them to remain in the United States pursuant to such lawful status.

[^ 22] For information on filing requirements, see instructions for Application for Travel Documents, Parole Documents, and Arrival/Departure Records ([Form I-131](#)). See Volume 3, Humanitarian Protection and Parole, Part F, Parolees [[3 USCIS-PM F](#)]. Re-parole requests should generally be directed to the DHS component that initially authorized parole. However, in certain limited instances, DHS components may agree that USCIS may consider re-parole requests submitted by aliens present in the United States pursuant to parole authorized by another DHS component. Certain populations have their own specific filing requirements for re-parole requests, which must be followed as applicable. See the [Humanitarian](#) webpage for additional information.

[^ 23] See [INA 212\(d\)\(5\)\(A\)](#).

[^ 24] For general policy on expedite requests related to travel documents, see Part A, Public Services, Chapter 5, Expedite Requests [[1 USCIS-PM A.5](#)]. For information on how to make an expedite request, see the [Expedite Requests](#) webpage. For information on emergency issuance of certain travel documents, see the [Emergency Travel](#) webpage. For filing requirements, see instructions for [Form I-131](#).

[^ 25] See [AFM 40.9.2\(b\)\(3\)\(J\)](#). ([PDF, 1017.74 KB](#)).

[^ 26] See [AFM 40.9.2\(b\)\(3\)\(J\)](#). ([PDF, 1017.74 KB](#)).

[^ 27] See [AFM 40.9.2\(b\)\(3\)\(J\)](#). ([PDF, 1017.74 KB](#)).

[^ 28] To request deferred action, an individual must submit to a local field office Biographic Information (for Deferred Action) ([Form G-325A](#)), along with a signed written request and supporting evidence of the underlying basis for the request.

[^ 29] See [8 CFR 214.2\(f\)\(9\)\(ii\)\(C\)](#). For information on employment authorization flexibilities for certain students, including when the Secretary of Homeland Security may suspend duration of status, full course of study, and on-campus and off-campus employment regulatory requirements due to emergent circumstances, see Volume 2, Nonimmigrants, Part F, Students (F, M), Chapter 6, Employment, Section B, Off-Campus Employment, Subsection 2, Severe Economic Hardship Due to Emergent Circumstances (Special Student Relief) [[2 USCIS-PM F.6\(B\)\(2\)](#)]. See DHS's [Study in the States, Special Student Relief](#) webpage.

[^ 30] See Volume 11, Travel and Identity Documents, Part A, Secure Identity Documents Policies and Procedures, Chapter 3, Reissuance of Secure Identity Documents [[11 USCIS-PM A.3](#)]. For information on replacing an Arrival/Departure Record (Form I-94), see USCIS' How do I replace a Form I-94, Arrival-Departure Record guide. For information on requesting CBP replace a Form I-94, see CBP's [Official Site for Travelers Visiting the United States: Apply for or Retrieve Form I-94, Request Travel History and Check Travel Compliance](#) webpage. To request USCIS replace a Form I-94, see the Application for Replacement/Initial Nonimmigrant Arrival-Departure Document ([Form I-102](#)). Asylees issued Form I-94 by a USCIS asylum office as proof of asylee status should contact the asylum office with jurisdiction over their current residence for further information on replacing or correcting the form.

[^ 31] For more information, see Subsection 10, Fee Waivers and Exemptions [[1 USCIS-PM H.2\(A\)\(10\)](#)].

[^ 32] See [INA 216](#) and [INA 216A](#). See [8 CFR 216](#).

[^ 33] See [8 CFR 216.4\(a\)\(6\)](#). For more information, see Volume 6, Immigrants, Part I, Family-Based Conditional Permanent Residents, Chapter 3, Petition to Remove Conditions on Residence, Section C, Filing Requirements, Subsection 2, Late Joint Filing [[6 USCIS-PM I.3\(C\)\(2\)](#)].

[^ 34] See [8 CFR 103.2\(b\)\(8\)](#). See Part E, Adjudications, Chapter 6, Evidence, Section F, Requests for Evidence and Notices of Intent to Deny [[1 USCIS-PM E.6\(F\)](#)].

[^ 35] See [8 CFR 103.2\(b\)\(13\)](#). However, certain immigration benefits, such as refugee and asylum applications, are governed by different regulations and procedures regarding RFEs, NOIDs, denials,

and failure to appear; therefore, the guidance in this chapter does not apply to these immigration benefits governed by different regulations.

[[^] 36] See [8 CFR 103.5](#).

[[^] 37] See [8 CFR 103.3\(a\)](#).

[[^] 38] See [8 CFR 103.2\(b\)\(9\)](#). See Part E, Adjudications, Chapter 6, Evidence, Section B, Primary and Secondary Evidence [[1 USCIS-PM E.6\(B\)](#)] and Part E, Adjudications, Chapter 4, Burden and Standards of Proof [[1 USCIS-PM E.4](#)].

[[^] 39] See [8 CFR 103.5\(a\)](#).

[[^] 40] See [8 CFR 103.5](#) and [8 CFR 103.8\(b\)](#).

[[^] 41] See [8 CFR 103.5\(a\)\(1\)\(i\)](#).

[[^] 42] See [8 CFR 103.3\(a\)\(2\)\(i\)](#) and [8 CFR 103.8\(b\)](#). This guidance does not apply to an appeal of a decision on a Petition for Alien Relative ([Form I-130](#)) or on a Petition for Amerasian, Widow(er), or Special Immigrant ([Form I-360](#)). Benefit requestors must file appeals of decisions on these petitions to the Board of Immigration Appeals. See [8 CFR 1003.1\(b\)\(5\)](#).

[[^] 43] See [8 CFR 103.3\(a\)\(2\)\(v\)\(B\)\(1\)](#).

[[^] 44] See [8 CFR 103.3\(a\)\(2\)\(v\)\(B\)\(2\)](#) and [8 CFR 103.5\(a\)\(1\)\(iii\)](#). Only a motion to reopen may be excused as late. However, the appellate period for a revocation on notice is generally 15 days, so an appeal filed after 15 days could be treated as a motion. See [8 CFR 205.2](#).

[[^] 45] For additional information see, Part B, Submission of Benefit Requests, Chapter 4, Fee Waivers and Fee Exemptions, Section D, Basis for Inability to Pay [[1 USCIS-PM B.4\(D\)](#)]. See the [Frequently Asked Questions on the USCIS Fee Rule](#) webpage.

[[^] 46] See Part B, Submission of Benefit Requests, Chapter 4, Fee Waivers and Fee Exemptions, Section E, Emergent Circumstance [[1 USCIS-PM B.4\(E\)](#)]. See USCIS' [Immigration Relief in Emergencies or Unforeseen Circumstances](#) webpage and the [Frequently Asked Questions on the USCIS Fee Rule](#) webpage.

[[^] 47] See [8 CFR 106.3](#).

[[^] 48] See Part A, Public Services, Chapter 5, Expedite Requests [[1 USCIS-PM A.5](#)].

[[^] 49] For more information on the criteria or circumstances that may be considered in determining whether to grant an expedite request, see Part A, Public Services, Chapter 5, Expedite Requests, Section A, Expedite Criteria or Circumstances [[1 USCIS-PM A.5\(A\)](#)].

[[^] 50] For more information on what criteria, circumstances, and scenarios warrant expedited processing, see Part A, Public Services, Chapter 5, Expedite Requests, Section A, Expedite Criteria or Circumstances [[1 USCIS-PM A.5\(A\)](#)].

[[^] 51] See [INA 291](#). See Part E, Adjudications, Chapter 4, Burden and Standards of Proof, Section A, Burden of Proof [[1 USCIS-PM E.4\(A\)](#)].

[[^] 52] See [INA 291](#). See Part E, Adjudications, Chapter 4, Burden and Standards of Proof, Section B, Standards of Proof [[1 USCIS-PM E.4\(B\)](#)].

[[^] 53] See Part E, Adjudications, Chapter 6, Evidence [[1 USCIS-PM E.6](#)].

[[^] 54] See Part E, Adjudications, Chapter 6, Evidence [[1 USCIS-PM E.6](#)].

[[^] 55] For more information on requesting humanitarian or significant public benefit parole for someone who is outside the United States, please see USCIS' [Humanitarian or Significant Public Benefit Parole for Aliens Outside the United States](#) webpage.

[[^] 56] For more information on factors often considered in some of the more common types of requests, see USCIS' [Guidance on Evidence for Certain Types of Humanitarian or Significant Public](#)

[Benefit Parole Requests](#) webpage.

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Chapter 3 - Operational Responses

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A. General

When an emergency or unforeseen circumstance arises that may disrupt operations at a USCIS facility or facilities that are open to the public, both local USCIS leadership and USCIS Headquarters assess the situation and determine the appropriate response. USCIS tailors its response based on numerous factors and measures, which in general include filing a report, informing the public, and activating local emergency response procedures, as appropriate.

B. Informing the Public

When an emergency or unforeseen circumstance disrupts operations at a public-facing USCIS facility, USCIS uses a variety of tools to communicate with the public.^[1]

1. Facility Closures or USCIS System Outages or Impairments

If the emergency or unforeseen circumstance results in the closure of a public-facing facility such as a field office, asylum office, or application support center, or in the impairment or unavailability of USCIS information technology systems, the responsible official ensures the closure is announced on the USCIS website.^[2] USCIS also uses USCIS social media channels to inform the public, as appropriate.

Additionally, when feasible, USCIS attempts to directly contact individuals with appointments scheduled at the closed facility, as well as their attorneys or representatives of record, to inform them of the closure and to reschedule their appointments. Local USCIS staff also contact the public affairs specialist with responsibility for the impacted facility to notify their media contacts of the closure.

When the field office is accessible and an employee is able to go the field office safely, USCIS places signage informing the public of the closure at all entrances to the impacted facility and adds outgoing messages regarding the closure to any public telephone numbers or email addresses utilized by the facility.

In the event a closure occurs during business hours, USCIS notifies staff and visitors of the impacted facility verbally or via a public address system and gives instructions to facilitate their safe and orderly departure.

2. Facility Remains Open

In the event an emergency or unforeseen circumstance arises within the jurisdiction of a public-facing USCIS facility, but the facility remains open, USCIS may reschedule missed appointments for individuals in the impacted area. USCIS may also attempt to directly contact individuals with

appointments scheduled at the facility, as well as their attorneys or representatives of record, to provide them the option to reschedule their appointments, especially in situations where benefit requestors may have difficulty receiving USCIS notices due to disruptions to the postal service, displacement or loss of housing, or other factors.

C. Local Emergency Response

Depending on the nature of the emergency or unforeseen circumstance, USCIS staff at an impacted facility may need to activate local emergency responses procedures. In the event of a facility closure occurring when staff or visitors are present, USCIS evacuates the facility according to the facility's Occupant Emergency Plan. As appropriate, facility leadership and the field security manager with responsibility for the facility also coordinate with local first responders, as well as relevant federal, state, and municipal entities.

As part of the USCIS response, the local USCIS field office may be activated to a local emergency response center to assist the affected population with immigration matters. USCIS personnel may be able to assist with immigration questions, provide Alien Documentation, Identification, and Telecommunication (ADIT) stamps for temporary evidence of lawful permanent resident status, provide Arrival/Departure Records (Form I-94) for proof of status, process biometrics through mobile biometrics machines, and provide verification of U.S. citizenship through a verification letter. Local USCIS field offices coordinate closely with their headquarters and other USCIS directorates to ensure USCIS provides consistent information and services to the affected population.^[3]

Footnotes

^[^ 1] Depending on the nature and extent of the emergency or unforeseen circumstance, USCIS may issue a web alert on USCIS' [Alerts](#) webpage or similar public communications.

^[^ 2] See the [USCIS Office Closings](#) webpage.

^[^ 3] See Part C, Biometrics Collection and Security Checks, Chapter 2, Biometrics Collection, Section B, Mobile Biometrics Collection [[1 USCIS-PM C.2\(B\)](#)].