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Chapter 10 - Post-Decision Actions

Guidance

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B. Notices to Appear [Reserved]

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C. Action on an Approved Application or Petition

In most instances, once a benefit request is adjudicated and notices are sent to the relevant parties, no further action on the part of the officer is required. However, there are certain situations that may require additional actions. Such actions may be initiated by the requestor, ordinarily by filing an Application for Action on an Approved Application or Petition ([Form I-824](#)).

For example, Form I-824 may be filed, with fee, to request a duplicate approval notice or to transfer a visa petition requiring visa issuance from one consulate to another.

Jurisdiction to act on a Form I-824 lies with the office that originally approved the underlying benefit or, if the file has been transferred, with the office currently holding the file. Officers should follow local procedures for completing action on Form I-824.

D. Revocation, Rescission, or Termination

After approving a benefit request, USCIS may revoke, rescind, or terminate that immigration benefit in certain circumstances.^[1] For example, USCIS may revoke the approval of an immigrant visa petition, in the agency's discretion, for good and sufficient cause.^[2]

Timeframe for Response

The maximum response time for a Notice of Intent to Revoke or a Notice of Intent to Rescind (NOIR) is 30 days.^[3] Generally, the maximum response time for a Notice of Intent to Terminate (NOIT) is also 30 days.^[4] The NOIR or NOIT must clearly state the deadline by which the response must be submitted to USCIS.

Regulations govern the effect of service, which may be in person, by ordinary mail, or electronically.^[5] When USCIS serves a NOIR or NOIT by ordinary mail, the service of the NOIR or NOIT is complete upon the benefit requestor on the day that USCIS physically mails it.^[6] When USCIS serves a NOIR or NOIT by mail, a NOIR or NOIT response is timely if USCIS receives it no more than 3 days after the deadline. This provides a total of 33 days after USCIS mails the NOIR or NOIT, for USCIS to receive a NOIR or NOIT response.^[7]

Further, USCIS applies the regulatory definition of day^[8] when reviewing a mailed NOIR or NOIT response for timeliness. Where USCIS receives the response on a Monday or on the next business day after a federal holiday, USCIS considers the response to be timely if the deadline fell on the preceding Saturday, Sunday, or federal holiday. As such, when the last day of the filing period falls on a Saturday, Sunday, or federal holiday, the NOIR or NOIT response period is extended until the end of the next business day that is not a Saturday, Sunday, or federal holiday.

USCIS considers a response to a NOIR or NOIT that is issued through the USCIS online system to be received on the date it is electronically filed through the individual's (or attorney or representative's) online account, regardless of whether the day is a weekend or federal holiday.

Additional mailing time (14 days) should be given to benefit requestors residing outside the United States or when USCIS mails a NOIR or a NOIT from an international USCIS field office.

Footnotes

^[1] For example, see [INA 205](#) (revocation of approval of petitions), [8 CFR 246.1](#) (rescission of lawful permanent resident status), and [8 CFR 204.6\(m\)\(6\)](#) (notice of intent to terminate the designation of a regional center). See the program-specific parts of the Policy Manual for more information about revocation, rescission, or termination.

^[2] See [INA 205](#).

^[3] See [8 CFR 205.2](#) and [8 CFR 246.1](#).

[^4] See, for example, [8 CFR 204.6\(m\)\(6\)\(iv\)](#). However, procedures that relate to USCIS seeking to terminate a grant of asylum differ in that USCIS schedules an interview at least 30 days after USCIS sends the asylee the NOIT. See [8 CFR 208.24](#).

[^5] See [8 CFR 103.8\(b\)](#) (“[w]henver a person has the right or is required to do some act within a prescribed period after the service of a notice upon him and the notice is served by mail, 3 days shall be added to the prescribed period. Service by mail is complete upon mailing.”). See [8 CFR 103.8\(a\)](#) (describing routine service by ordinary or electronic mail and personal service, performed by a government employee).

[^6] See [8 CFR 103.8\(b\)](#) (“[w]henver a person has the right or is required to do some act within a prescribed period after the service of a notice upon him and the notice is served by mail, 3 days shall be added to the prescribed period. Service by mail is complete upon mailing.”).

[^7] This does not apply to the termination of asylum status, as the regulations regarding the termination of a grant of asylum by USCIS provide that USCIS must set the termination interview at least 30 days after the date of mailing the NOIT. See [8 CFR 208.24](#).

[^8] See [8 CFR 1.2](#).

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