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Chapter 6 - Submitting Requests

Guidance Resources (16) Appendices (0) Updates (9)

A. How to Submit

Before sending an application to USCIS, an applicant must become familiar with fees, properly submitting or filing the application (either by mail or electronically), and review any statutory or regulatory dates for the application or petition for it to be considered properly filed.[1]

1. Submitting Requests by Mail

Benefit requestors may use U.S. Postal Service or a commercial courier[2] to submit benefit requests to a USCIS lockbox or facility.[3] Because of safety and security requirements, USCIS must approve couriers. USCIS does not accept deliveries from other companies and individuals, including bicycle couriers.

Benefit requestors should refer to the form instructions and the USCIS All Forms webpage for more information on where and how to submit a particular benefit request, and what initial evidence is required.[4]

Assembling and Submitting a Benefit Request Package

USCIS recommends that benefit requesters assemble their benefit request packages in the order indicated for that particular benefit.[5]

Application Intake Inquiries

Requestors who have questions or concerns about the intake of a benefit request should route their inquiries as indicated on the USCIS Contact Us webpage.

2. Submitting Requests Online

Some USCIS forms are available for filing online. Filing forms online allows users to:

- Create and manage online accounts;
- Submit benefit requests, supporting documents, and evidence, and provide Request for Evidence (RFE) responses electronically;
- Link previously mailed benefit requests that are still pending with an online account;
- Receive notices and decisions electronically;
- Make payments online; and
- Access current information about the status of filed[6] benefit requests.

Users may also create draft benefit requests in their online account. A user can continue adding information to his or her draft before electronically filing the request with USCIS. Draft filings are generally saved in the user's online account for 30 days from the last time the user worked on the request. A benefit requestor cannot submit an electronic benefit request until the requestor completes the electronic form, provides a valid electronic signature, and provides the required payment, if any, or submits a fee waiver request

(available using PDF upload option only[7]). Once submitted, USCIS labels the case accepted[8] and assigns a receipt number in the filer's account.

USCIS does not consider a benefit request that is in draft form to be filed, submitted, accepted, or date received by USCIS. USCIS does not describe a draft as submitted or assign a receipt number to draft filings.

In general, if a benefit requestor files a benefit request online, USCIS notifies the requestor and his or her authorized attorney or accredited representative (if any) electronically of any notices or decisions through his or her online account. A requestor may elect to receive paper notices by selecting this preference in his or her online account. USCIS may exercise discretion in also issuing paper notices or decisions for electronically-filed benefits.[9]

B. Intake Processing

Once USCIS receives a benefit request, including an appeal or motion, USCIS assesses whether the request meets the minimum requirements for USCIS to accept it. If all minimum requirements (including submission of initial evidence for intake purposes) for acceptance are not met, USCIS rejects the benefit request for improper filing.[10]

USCIS only begins to adjudicate a benefit request after USCIS accepts the request, processes any required fees, and issues a receipt notice (or date stamp, where applicable) to reflect the date of physical or electronic receipt.[11] USCIS does not consider benefit requests that are rejected to be properly filed.[12]

In order for USCIS to accept a benefit request, a submission must satisfy all applicable acceptance criteria.[13] USCIS generally accepts the request if it contains:

- A complete, properly executed form, with a proper signature;
- The correct fees;[14] and
- The required initial evidence for intake purposes, as directed by the form instructions.[15]

USCIS rejects benefit requests that do not meet these minimum requirements. Reasons for rejection may include, but are not limited to:

- Incomplete benefit request;[16]
- Improper signature or no signature;[17]
- Use of an outdated version of a USCIS form at time of submission;
- Principal application error (USCIS cannot process derivative or dependent applications if the related principal application is in error); and
- Incorrect fee, including missing fees or fees in the wrong amount.[18]

In addition, USCIS rejects benefit requests for an immigrant visa if an immigrant visa is not immediately available to the applicant.[19]

The rejection of a filing with USCIS may not be appealed.[20] However, rejections do not preclude a benefit requestor from resubmitting a corrected benefit request. If the benefit requestor later resubmits a previously rejected but corrected benefit request, USCIS processes the case anew, without prejudice.[21] The rejected case does not retain its original filing date when resubmitted.

If a rejected benefit request is properly and timely resubmitted, USCIS accepts and processes the corrected benefit request as a new request. If the resubmitted benefit request is not properly and timely resubmitted, the new benefit request may be rejected.

USCIS requires new fees with any new benefit request; a new filing date also generally applies.[22]

Effect of Declined or Returned Payment

Filing fees generally are non-refundable regardless of the outcome of the benefit request, or how much time the adjudication requires, and any decision to refund a fee is at the discretion of USCIS.[23]

If the benefit requestor pays a fee by credit card and the credit card is declined for any reason, USCIS does not attempt to process the credit card payment a second time and may reject the associated request for lack of payment.[24]

If a form of payment other than a credit card submitted for payment is returned as not payable because of insufficient funds, USCIS re-submits the payment to the remitter institution one time.[25] If the form of payment is returned as non-payable a second time, USCIS may reject or deny the benefit request as improperly filed and the received date is forfeited.[26]

USCIS does not resubmit payments returned as unpayable for a reason other than insufficient funds.[27] A rejection of a filing with USCIS may not be appealed.[28]

Returned Payment for an Underlying Petition

If a dishonored payment rejection occurs on an underlying petition that is accompanied by other filings that are dependent on the filing that is rejected, such as an Immigrant Petition for Alien Workers (Form I-140) concurrently filed with an Application to Register Permanent Residence or Adjust Status (Form I-485), even though the other filings' fees may be honored, USCIS administratively closes the dependent filings and refunds the fees.

Returned Payment for Premium Processing Service Requests

If a premium processing fee for a Request for Premium Processing Service (Form I-907) is declined or returned when it is filed at the same time as a Petition for Nonimmigrant Worker (Form I-129) or Immigrant Petition for Alien Workers (Form I-140), USCIS rejects the entire filing.

If USCIS has approved the petition and any fee, including one fee of a multiple fee filing, is declined or returned, USCIS may revoke the approval upon notice.

In this case, USCIS issues a Notice of Intent to Revoke (NOIR) to the requestor. If the requestor does not rectify the declined or returned payment within the requisite NOIR time period, USCIS revokes the approval and retains (and does not refund) any fee that was honored in association with the approval.

For example, if the Form I-907 fee is declined or returned after USCIS approves an associated Form I-140, USCIS revokes the Form I-140 approval (assuming the NOIR time period has passed without sufficient response). USCIS then retains the Form I-140 fee, administratively closes the Form I-485, and refunds

the Form I-485 fee.

Response to a NOIR

If USCIS has approved the petition and any fee, including one fee of a multiple fee filing, is declined or returned, USCIS may revoke, rescind, or cancel the approval. In this case, USCIS issues a NOIR to the requestor.[29] If the approved benefit request requires multiple fees, approval may be revoked if any fee submitted is not honored. USCIS does not refund other fees that were paid for an approved benefit request that is revoked because of a declined or returned fee payment.[30]

To sufficiently respond to a NOIR, the requestor must, within the requisite NOIR time period, provide payment of the correct fee amount or demonstrate that the payment was honored or that it was rejected by USCIS by mistake.[31] If USCIS issues a NOIR and the request does not return sufficient evidence to reinstate the case to pending status, then USCIS reopens and denies the request.

USCIS then sends a notice to the requestor informing them that USCIS has revoked the approval and denied the benefit request. In contrast with the rejection of a filing, a revocation of an approval due to a declined or returned fee may be appealed to the USCIS Administrative Appeals Office.[32] All revocation notices instruct the requestor on how they may appeal the revocation or denial due to a declined or returned payment.[33]

If USCIS does not have the authority to revoke or reopen and deny the benefit request, USCIS annotates the file to indicate that USCIS never received payment and notifies the benefit requestor of the payment deficiency. USCIS then notifies the applicant or petitioner that there is a payment deficiency. The officer should also request local counsel assess the applicant's actions and intentions and assist in determining the appropriate next steps on a per case basis.

If USCIS already denied or revoked the benefit request for other reasons, or determined that the requestor abandoned the benefit request, the existence of a declined or returned payment does not affect that decision. USCIS pursues

collection of all payment deficiencies, regardless of the outcome of adjudication.

C. Correct Fees and Form Versions

USCIS uses the postmark[34] or case acceptance date to determine whether the benefit requestor has submitted the correct form version and required filing fees. USCIS uses the received date[35] for purposes of any statutory or regulatory filing deadlines.

For electronic submission through the online account, the case acceptance date and received date are often the same date. A submission is received when the requestor completes the electronic form, provides a valid electronic signature, and submits the required filing fee or a fee waiver request.

Paper-Based Submissions

USCIS uses the postmark date on the envelope from the U.S. Postal Service to determine whether the benefit requestor submitted the correct form version and filing fees. For benefit requests sent by commercial couriers, USCIS uses the date on the shipping label to determine whether the form version and fees are correct at the time of submission.

If the commercial courier label does not contain a shipping date, USCIS considers the postmark date to be the date the shipping label is printed. If there is no shipping or print date indicated, USCIS considers the postmark date to be 10 calendar days before the USCIS lockbox or USCIS facility received the package.

Online Submissions

When a benefit requestor submits a benefit request through myUSCIS, the benefit request is accepted and receipted when all the steps are complete, and payment is made or a fee waiver is provided in the case management system. The date the system accepts the submission is the case acceptance date also known as the received date for online filings.

USCIS does not consider online draft forms to be submitted to or received by

USCIS.

D. Received Date (Filing Date)

Paper-Based Submissions

USCIS uses the received date as the filing date for purposes of any statutory or regulatory filing deadlines and to determine a priority date, if applicable.

USCIS acknowledges a benefit request as "received" on the date it physically arrives at the USCIS lockbox or USCIS filing facility designated for filing. This received date, also known as the filing date,[36] is printed on a Notice of Action (Form I-797) in the box labeled Received Date. USCIS may also record a received date using a date stamp (where applicable).

Benefit requestors only retain a received date if the proper location as designated on the USCIS All Forms webpage accepts their submission.[37]

The received date (filing date) may impact eligibility for immigration benefits. For example, USCIS uses the received date to determine whether USCIS must reject a Notice of Appeal or Motion (Form I-290B) for failure to timely file, or a Petition for a Nonimmigrant Worker (Form I-129), because an annual numerical limit has been reached.

The received date (filing date) may also be significant for purposes of seeking lawful permanent residence. For example, sometimes the received date of a properly filed immigrant visa petition constitutes the beneficiary's priority date[38] which dictates when the benefit requestor is eligible to file an Application to Register Permanent Residence or Adjust Status (Form I-485) (or seek consular processing overseas). Similarly, USCIS may use the received date to establish the statutory period for some benefits, including naturalization.

Online Submissions

USCIS acknowledges an electronically filed request as "received" on the date when the requestor electronically signs the benefit request and submits payment or fee waiver request online.

E. Filing Periods Ending on Weekends or Federal Holidays

Benefit requestors must file a benefit request within the period for filing, if applicable, as prescribed by statute, regulation, and form instructions. This includes filing with USCIS before a certain time period ends or event occurs, such as before a period of lawful status ends or an individual reaches a certain age. For example, petitioners for special immigrant juvenile classification must file a Petition for Amerasian, Widow(er), or Special Immigrant (Form I-360) before their 21st birthday.[39] As another example, principal refugees and asylees seeking to request follow-to-join immigration benefits for qualifying family members must file a Refugee/Asylee Relative Petition (Form I-730) for each member within 2 years of the refugee's admission to the United States as a refugee or the asylee's grant of asylum.[40]

USCIS does not accept paper-based applications or petitions on Saturdays, Sundays, or federal holidays.[41] Therefore, when the last day of the filing period for a paper benefit request falls on a Saturday, Sunday, or federal holiday, USCIS applies the regulatory definition of day[42] and extends the deadline for filing until the end of the next business day that is not a Saturday, Sunday, or federal holiday.[43] In these situations, while the received date continues to reflect the date USCIS physically received the request, USCIS considers the benefit request to have been timely filed if received on the next business day.[44]

The determination of whether a benefit request was timely submitted is not a criterion for acceptance; rather, it is part of the eligibility determination for the benefit request that an officer makes at the time of adjudication. Therefore, USCIS does not reject filings at intake due to missed deadlines.

USCIS considers electronically submitted benefit requests to be received immediately upon submission. Therefore, electronic filings are not affected by the fact that USCIS does not accept deliveries on Saturdays, Sundays, or federal holidays, and USCIS does not apply the regulatory definition of day to extend the filing period for benefit requests filed electronically.[45]

Footnotes

[^ 1] USCIS considers filed, submitted, and date received to mean the date USCIS officially, physically receives the request, based on regulation at 8 CFR 103.2(a)(7).

[^ 2] A commercial courier is a courier that is approved to deliver packages to the USCIS lockbox or facility, for example, the United Parcel Service (UPS), Federal Express (FedEx), and Dalsey, Hillblom and Lynn (DHL), or any other courier that USCIS has approved to deliver packages to USCIS facilities.

[^ 3] Registration for Classification as a Refugee (Form I-590) must be completed with the assistance of the Resettlement Support Center (RSC) staff overseas after a referral to the U.S. Refugee Admissions Program (USRAP), and cannot be completed independently by a benefit requestor. As such, any information in this section regarding submitting or filing a benefit request does not apply to Form I-590. For more information, see the Refugees USCIS web page.

[^ 4] See 8 CFR 103.2(b)(8)(ii). A benefit requestor may need to provide additional evidence to establish eligibility for the benefit sought at the time of an interview or in response to a Request for Evidence (RFE) or Notice of Intent to Deny (NOID).

[^ 5] For tips on filing applications with USCIS, see Tips for Filing Forms by Mail and Lockbox Filing Information.

[^ 6] USCIS considers filed, submitted, and date received to mean the date USCIS physically receives the request, based on the regulations at 8 CFR 103.2. For mailed filings, this is the date that USCIS receives the form at the lockbox or USCIS facility. USCIS records the date that the form is received at the lockbox or USCIS facility. For electronic filings, USCIS considers the case accepted on the date the requestor has completed both the form through a myUSCIS account and the payment through pay.gov. Electronic case acceptance date is equivalent to filed, submitted, and date received for paper-based filings.

[^ 7] PDF upload option is currently limited to those filing certain EAD categories. See Forms Available to File Online for more information. Filing a fee waiver request or Form I-912 may still be available for certain benefit requests based on an inability to pay.

[^ 8] Case acceptance occurs when a benefit requestor submits a USCIS form electronically using an online account and completes payment electronically or submits a waiver request in accordance with the online instructions.

[^ 9] See 8 CFR 103.2(b)(19)(ii)(B). Currently, USCIS mails notices in addition to posting electronic notices in the online account for most benefit requests, regardless of a selection made to opt-in to paper notices through the respondent's online account.

[^ 10] See 8 CFR 103.2.

[^ 11] See Section C, Date of Receipt [1 USCIS-PM B.6(C)].

[^ 12] See 8 CFR 103.2(a)(7).

[^ 13] See 8 CFR 103.2(a). Other regulations in Title 8 of the CFR may impose filing requirements specific to the request type.

[^ 14] See 8 CFR 106.2 and 8 CFR 106.3. See Fee Schedule (Form G-1055). For additional information on fee waivers, see Chapter 4, Fee Waivers and Fee Exemptions [1 USCIS-PM B.4].

[^ 15] For example, family-based or employment-based adjustment of status categories where an Affidavit of Support (Form I-864), if required, is submitted with the Application to Register Permanent Residence or Adjust Status (Form I-485).

[^ 16] See 8 CFR 103.2(b)(1). Each benefit request must be properly completed and filed with all initial evidence required by applicable regulations and other USCIS instructions. Benefit requestors can determine which fields are required based on the form type and form instructions.

[^ 17] See 8 CFR 103.2(a)(2).

[^ 18] See 8 CFR 103.2(a).

[^ 19] See 8 CFR 245.2(a)(2)(i). For more information, see Volume 7, Adjustment of Status, Part A, Adjustment of Status Policies and Procedures, Chapter 3, Filing Instructions, Section B, Definition of Properly Filed, Subsection 3, Visa Availability Requirement [7 USCIS-PM A.3(B)(3)].

[^ 20] See 8 CFR 103.2(a)(7)(iii).

[^ 21] USCIS treats the benefit request as if the requestor had not previously submitted it.

[^ 22] Some exceptions may apply. For example, see Volume 7, Adjustment of Status, Part A, Adjustment of Status Policies and Procedures, Chapter 6, Adjudicative Review, Section C, Verify Visa Availability, Subsection 3, Priority dates [7 USCIS-PM A.6(C)(3)]. See 8 CFR 204.2(h).

[^ 23] See 8 CFR 103.2(a).

[^ 24] See 8 CFR 103.2(a)(7)(ii)(D)(3).

[^ 25] See 8 CFR 103.2(a)(7)(ii)(D)(2).

[^ 26] See 8 CFR 103.2(a)(7)(ii)(D)(3).

[^ 27] See 8 CFR 103.2(a)(7)(ii)(D)(3).

[^ 28] See 8 CFR 103.2(a)(7)(iii).

[^ 29] See 8 CFR 205.2.

[^ 30] See 8 CFR 106.1(c)(2).

[^ 31] Otherwise, USCIS considers the requestor to have failed to file the required fees. See 8 CFR 103.2(a)(1).

[^ 32] In accordance with 8 CFR 103.3 and the applicable form instructions.

[^ 33] See 8 CFR 103.3.

[^ 34] USCIS generally considers the postmark as the date on the envelope or

parcel indicating the day the item was delivered into the care of the U.S. Postal Service or commercial courier.

[^ 35] Based on regulation at 8 CFR 103.2(a), USCIS considers the received date for mailed filings to be the date the benefit request is received at the lockbox or USCIS facility and USCIS records the date that the form is received. For electronic filings, USCIS considers the received date to be the same as the case accepted date which occurs when the requestor has completed both the form through a myUSCIS account and the payment through pay.gov.

[^ 36] USCIS deems the Registration for Classification as Refugee (Form I-590) to be filed on the date the applicant is interviewed by a USCIS refugee officer and the applicant signs the Form I-590 at the conclusion of the interview. USCIS does not apply a date stamp and does not issue a Notice of Action, Form I-797.

[^ 37] See 8 CFR 103.2(a)(7)(ii).

[^ 38] See 8 CFR 204.1(b). For more information, see Volume 7, Adjustment of Status, Part A, Adjustment of Status Policies and Procedures, Chapter 6, Adjudicative Review, Section C, Verify Visa Availability, Subsection 3, Priority Dates [7 USCIS-PM A.6(C)(3)] and the USCIS webpage on Visa Availability and Priority Dates.

[^ 39] See 8 CFR 204.11(b)(1).

[^ 40] See 8 CFR 207.7(d) and 8 CFR. 208.21(d).

[^ 41] See the U.S. Office of Personnel Management's website for a list of federal holidays.

[^ 42] See 8 CFR 1.2 ("when computing the period of time for taking any action provided in this chapter including the taking of an appeal, shall include Saturdays, Sundays, and legal holidays, except that when the last day of the period computed falls on a Saturday, Sunday, or a legal holiday, the period shall run until the end of the next day which is not a Saturday, Sunday, or a legal holiday."). For example, in the case of an individual who applies for adjustment of status on the basis of eligibility as a T or U nonimmigrant, if the

last day before the expiration date of T or U nonimmigrant status occurs on a Saturday, Sunday, or federal holiday, the applicant has until the end of the next business day after the Saturday, Sunday, or federal holiday for USCIS to physically receive their properly filed and receipted application. See 8 CFR 103.2(a)(7)(ii) (properly filed and receipted), 8 CFR 245.24(b)(2)(ii) (pertaining to U nonimmigrant eligibility for adjustment of status) and 8 CFR 245.23(a)(2)(ii) (pertaining to T nonimmigrant eligibility for adjustment of status).

[^ 43] The definitions in 8 CFR 1.2 generally apply to all benefit requests in 8 CFR Chapter I unless the statutes or regulations for the specific benefit request contain provisions that supersede those definitions. Certain immigration benefits, such as asylum applications, are governed by different regulations and procedures regarding Requests for Evidence, Notices of Intent to Deny, denials, and terminations. Therefore, the guidance in this Part does not apply to those immigration benefits governed by different regulations. For example, 8 CFR 1.2 does not apply to calculating the 1-year filing deadline for asylum, because it is superseded by 8 CFR 208.4(a)(2).

[^ 44] As provided under 8 CFR 103.2(a)(7)(i).

[^ 45] Regulations at 8 CFR 103.2(a)(7)(i) state, “USCIS will consider a benefit request received and will record the receipt date as of the actual date of receipt at the location designated for filing such benefit request whether electronically or in paper format.” In addition, see Volume 1, General Policies and Procedures, Part B, Submission of Benefit Requests, Chapter 6, Submitting Requests, Section A, How to Submit [1 USCIS PM B.6(A)].

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