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

September 23, 2026 PA-2026-15

Policy Alert

SUBJECT: Definition of Day for Purposes of Filing Deadlines

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the USCIS Policy Manual to clarify how USCIS applies the regulatory definition of "day" to filing deadlines.

Background

When, by statute, regulation, or form instruction, the term "day" is used to establish a deadline for a USCIS benefit requestor to take any action, including the filing of an appeal from a denial, the term includes Saturdays, Sundays, and federal holidays. However, when the last day of the period computed falls on a Saturday, Sunday, or a federal holiday, the regulations state that the period runs until the end of the next day which is not a Saturday, Sunday, or a federal holiday.[1]

In 2023, USCIS issued guidance directing the application of the regulatory definition of day for the first time to certain deadlines such as an alien's birthday, as well as other qualifying time periods.[2]

USCIS is now returning to its longstanding application and understanding of the definition of day. Prior to the 2023 change, the regulatory definition never applied when filing deadlines used other terms, such as a requirement to file while under "21 years of age" or before a "birthday." The return is necessary to conform with the established understanding and application of deadlines expressed in terms of days, as explained in recent case law.[3]

USCIS applies the regulatory definition of day only when filing deadlines are defined by statute, regulation, or form instructions in terms of days. USCIS acknowledges that the 2023 change and now the return to its previous application of the regulatory definition may impact filing deadline expectations (such as filing before a 21st birthday). USCIS appreciates that benefit requests are

[1] See 8 CFR 1.2.
[2] See Filing Periods and Response Timeframes Ending on Saturdays, Sundays, or Federal Holidays, PA-2023-10, issued March 29, 2023. For example, under the 2023 policy, if an alien must file a benefit request before their 21st birthday to be eligible for that benefit, and the alien's birthday falls on a Saturday, Sunday, or federal holiday, USCIS considered the filing timely so long as the alien filed it by the end of the next business day.
[3] See *Monsalvo Velasquez v. Bondi*, 604 U.S. 712, 725 (2025) (explaining that "[s]ince at least the 1950s…the term 'day' carries its specialized meaning by excluding Sundays and legal holidays if a deadline would otherwise fall on one of those days . . . In all the years since, the only notable change to this rule has been the addition of Saturdays to the list of excluded days.").

currently being prepared and their submission may be planned or scheduled based on the 2023 policy. In consideration of such interests, this policy update is effective October 23, 2026. USCIS must deal with many deadlines and consistently apply them following law, regulations, case law and common sense. The USCIS interest in returning to the longstanding definition of "day" outweighs any individual expectations and the advance notice of the change sufficiently mitigates any potential reliance on the previous policy.

This guidance, contained in Volume 1 of the Policy Manual, is effective October 23, 2026, and applies to paper-based filings received on or after that date. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance.

Policy Highlights

- Explains that when filing deadlines are defined by statute, regulation, or form instructions in terms of days, USCIS applies the regulatory definition of day. If the deadline falls on a Saturday, Sunday, or federal holiday, USCIS considers the filing timely if it is received by the end of the next business day.

- Clarifies that USCIS does not apply the regulatory definition of day for purposes of other deadlines that are not computed in a period of days, but rather by a substantive eligibility requirement, such as a person's birthday.

Summary of Changes

Affected Section: Volume 1 > Part B > Chapter 6 > Section E, Filing Periods Ending on Weekends or Federal Holidays

- Revises Section E in its entirety.

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].