

# Immigration In Focus

Sunday, 06 May 2007

## The USCIS reduces time to respond to Requests For Evidence & Notices Of Intent to Deny Applications

The USCIS has reduced the time it allows for Applicants to respond to Requests For Evidence (RFE) & Notices Of Intent To Deny (NOID) immigration applications. The new rule will eliminate the current 12-week allowance for all applicants and petitioners to respond to an RFE/NOID and by reducing the time allowed down to a new minimum of 30-days. Currently, when you file an immigration application such as an I-130 Petition For Alien Relative, if the officer processing the case finds that additional information or documentation is required, or finds that the case is deniable without further evidence of eligibility, the officer sends the applicant a letter/notice, called a Request For Evidence or Notice of Intent To Deny the application.

Requests sent to applicants generally have a yellow coversheet attached which should be placed on top of the response and sent back to the officer with the requested documentation or information within the allotted time, which is currently 12 weeks. If the requested documentation or information is not returned to the USCIS officer by the required date, the officer will generally deny the application and send a denial letter to the applicant. The applicant can request a review of the denial, by filing a Motion To Reopen/Reconsider/Appeal within 30 days (along with a \$385 Filing Fee), but review and reopening of cases can take many months if not years in some instances.

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Now, with the new rule, beginning June 18, 2007, applicants will have far less time to respond.

General Tips on responding to RFE/NOIDs once you receive it:

1) Determine exact date your response must be received by the USCIS, then count backwards 7 days and make THAT DATE your deadline to send the response to the USCIS;

2) Copy the RFE/NOID and go through it word by word and make a list on a separate paper of exactly what information and/or documents the officer is requesting. Remember, if you respond to the

RFE/NOID and LEAVE OUT EVEN ONE required document, your application will likely be denied. The USCIS does not generally send out a second RFE/NOID. Usually, if you omit a required document in your response, the next thing you receive is a denial. Give more information, rather than less.

3) Once you have gathered the documents/information requested, write a short cover letter to the USCIS listing in numbered order, exactly what documents or information you are enclosing. Include a statement in the end that if the officer finds that other documents or information are required, please contact you immediately and give your cell number. Some kind officers will call, although as a general rule, most will not.

4) Assemble the response with the yellow USCIS sheet on top, your cover letter next and the documents in numbered order below. Review everything one final time to be sure you have not forgotten anything.

5) Copy the entire package, then send by Fed-ex or U.S. Express Mail (get a tracking number) to the address on the yellow response sheet provided.

6) Check that the package was delivered to the USCIS by tracking it online and print-out the tracking information.

7) Check your case on-line every week or so to be sure the online case status system is showing that the USCIS received the response and has continued processing the case. The online case status can be found at: <https://egov.immigration.gov/cris/jsps/index.jsp>

8) A trick to ensuring that your response has the best chance for finding its way into your USCIS file is to send a copy of it about one week later using the USCIS coversheet with the Barcode. Good luck!