

## USCIS Updates Certain Immigration Policies



By [Elizabeth M. Klarin](#)

June 11, 2021 | **IMMIGRATION**

U.S. Citizenship and Immigration Services (“USCIS”) has issued updates to several longstanding policies in its [USCIS Policy Manual](#), aimed at “eliminat[ing] policies that fail to promote access to the legal immigration system,” and “mak[ing] improvements that help individuals navigate the path to citizenship, and that modernize our immigration system,” according to Secretary of Homeland Security Alejandro N. Mayorkas.

The changes include:

**Employment Authorization Documents:** Big news here! The [updated policy guidance](#) will increase the current

one-year validity period on both initial and renewal employment authorization documents (EADs) to two years, for certain adjustment of status applicants. Increasing the validity period on EADs for certain adjustment applicants is expected to reduce the number of employment authorization requests USCIS receives, and allow the agency to shift limited resources to other priority areas (which one can only hope will reduce the generally lengthy time frames for adjudication of petitions/applications for immigration benefits).

**Expedited Processing:** [Expedited processing](#) continues to be available for several process types, subject to the [clarified criteria and circumstances](#) under which USCIS will consider such requests. The updated guidance also restores the ability of nonprofit organizations whose request is in furtherance of the cultural and social interests of the United States, to request expedited service—even when premium processing is available for that benefit. The updates also clarify that expedite processing of benefit requests for noncitizens with final orders of removal or noncitizens in removal proceedings is coordinated between USCIS and U.S. Immigration and Customs Enforcement (ICE).

**Requests for Evidence and Notices of Intent to Deny:** Instead of outright denying certain immigration benefit requests, USCIS is returning to a [prior adjudicative principle](#) that instructs agency officers to issue a request for additional evidence of Notice of Intent to Deny where additional evidence could potentially demonstrate eligibility for an immigration benefit. [This policy](#) gives petitioners/applicants an opportunity to correct innocent mistakes and unintentional omissions, provide additional evidence of eligibility where needed for approval, and refute any misunderstandings regarding eligibility for the requested benefit. While the immigration community has seen a significant increase in the number of requests for additional evidence and information from the USCIS and Department of State over the last year, we are pleased to see a policy change reflecting an intention to systematically provide the opportunity to refute a government assessment of ineligibility. It certainly beats the alternative of outright denial.

Check back for additional updates on the latest in U.S. immigration changes, news and current events, or reach out to any of our many seasoned immigration professionals, with specific questions.

# Related Team



**Elizabeth M. Klarin**  
Partner



**Nisha V. Fontaine  
(Jagtiani)**  
Partner



**Eileen M. Martin**  
Partner | Team Co-  
Leader - Immigration  
| Team Leader -  
Canada-U.S. Cross  
Border



**Andrew M. Wilson**  
Partner | Team Co-  
Leader - Immigration

**Disclaimer:** *The information in this post is provided for general informational purposes only, and may not reflect the current law in your jurisdiction. No information contained in this post should be construed as legal advice from our firm or the individual author, nor is it intended to be a substitute for legal counsel on any subject matter. No reader of this post should act or refrain from acting on the basis of any information included in, or accessible through, this post without seeking the appropriate legal or other professional advice on the particular facts and circumstances at issue from a lawyer licensed in the recipient's state, country or other appropriate licensing jurisdiction.*