USCIS Issues Limited Help to Employers Facing RFEs and NOIDs

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On March 27, 2020, USCIS announced limited help to employers facing requests for evidence (RFE) and notices of intent to deny (NOID) during the Coronavirus Disease 2019 (COVID-19) pandemic. The announcement will permit employers who receive an RFE or NOID dated (i.e., issued) between March 1 and May 1, 2020, to submit a response within 60 calendar days after the response deadline set forth in the RFE or NOID.

While designed to assist employers facing workflow and service issues, the USCIS announcement is limited to RFEs and NOIDs that have been issued between March 1 and May 1, 2020. RFEs issued during this time period will not have due dates for approximately 87 days, or, in other words, none of these RFEs will have due dates until after the impact of the COVID-19 pandemic is expected to dissipate. Some NOIDs issued between March 1 and May 1, 2020, will also be due during that time period because NOIDs generally require a response within approximately 30 days after issuance. However, NOIDs issued towards the ends of the March 1 to May 1, 2020, window will not be due until after May 1, 2020. Therefore, this announcement by USCIS largely does not affect employers who may be struggling to respond to RFEs and NOIDs due anytime between March 1 and May 1, 2020, which is the time period wherein many employers are affected by stay-at-home or similar state and local orders.

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