



May 2, 2012

# Executive Summary

## USCIS Memorandum on Expedited Case Review Process for Specifically-Defined Administrative Errors

### Overview

On April 4, 2012, USCIS hosted a stakeholder teleconference to discuss an expedited process for reviewing and correcting certain decisions resulting from specific administrative errors made by the agency. The purpose of the session was for USCIS to explain the new process, including how to request expedited case review, and answer questions. The session was not used for the purpose of obtaining group or consensus advice.

### Background

On March 23, 2012, USCIS issued an [instructional memorandum](#) on expedited case review process for specifically-defined administrative errors. Through this process, a customer may request a review of his or her case and correction of a decision where he or she believes data entry and/or administrative error resulted in an adverse adjudicative action. This expedited case review process addresses four specific circumstances:

1. USCIS issued an adverse decision based solely on a customer's failure to respond to a Request for Evidence (RFE), Notice of Intent to Deny (NOID), or Notice of Intent to Revoke (NOIR) and there is documentary evidence that the customer responded to the RFE, NOID, or NOIR and USCIS received the response in a timely fashion.
2. USCIS issued an adverse decision based solely on a customer's failure to respond to an RFE, NOID, or NOIR and USCIS determines there is evidence in a USCIS system that the RFE, NOID, or NOIR was not sent to the petitioner/applicant or, if there is a valid Form G-28 on file, to the attorney or representative of record.
3. USCIS issued an adverse decision based solely on a customer's failure to appear at a biometrics appointment or failure to respond to an RFE, NOID, or NOIR and USCIS determines there is evidence that the customer properly submitted a change of address prior to the issuance of the RFE, NOID, NOIR, or biometric

appointment notice; however USCIS sent the RFE, NOID, NOIR, or biometric appointment notice to a previous or improper address.

4. USCIS issued an adverse decision based solely on a customer's failure to appear at a biometrics appointment, and there is documentary evidence that the customer attended the appointment or made a valid, timely request that it be rescheduled.

### **Process**

If a customer or their authorized representative believes that an adverse decision fits within one of the criteria described, they should contact the National Customer Service Center (NCSC) at 1-800-375-5283 to request that an expedited service request be created via Service Request Management Tool (SRMT). If the NCSC representative determines that a person's case may fit into one of these categories, the NCSC will create a service request, expedited-service type, and route it to the Field Office or Service Center. The Field Office or Service Center that issued the adverse decision will determine whether the service request meets the criteria and will respond to the service request after reviewing the case and related databases. USCIS's response may ask a customer to make an appointment at a Field Office to produce evidence of the error. USCIS will make every practicable effort to respond within five business days of when a service request is created, however there may be circumstances, such as the need to transfer files, where this will not be possible.

The instructional memorandum provides additional information on how USCIS will respond to the service request.

### **General Questions**

Throughout the engagement stakeholders asked questions about the new process. Specific queries concerned such matters as whether or not the expedited case review process tolls the timeframes for appeals or motions to reconsider/reopen. USCIS explained that the new process supplements the current appeals and motions process as outlined in 8 CFR 103.3 and does not toll the timeframes for appeals or motions, rectify errors made by customers or their legal representatives, create an independent right of action, or address errors not included in the specifically-defined categories. Participants also inquired as to the types of evidence that USCIS would accept from customers seeking expedited case review. USCIS identified Certified Mail Return Receipts and evidence of express mail tracking as examples of documents that customers may provide as evidence in certain instances. USCIS mentioned, however, that this is not an exhaustive list, and encouraged customers to submit any evidence and documentation they feel is necessary to establish their case.