



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](#)].

This policy is effective on October 23, 2026, and will be incorporated into the Policy Manual accordingly.

USCIS Policy Manual, Volume 1: General Policies and Procedures
[Part B – Submission of Benefit Requests](#)

Chapter 6. Submitting Requests

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E. Filing Periods Ending on Weekends or Federal Holidays

Benefit requestors must file a benefit request within the period for filing, if applicable, as prescribed by statute, regulation, and form instructions.

1. Filing Deadlines Expressed in Terms of “Days”

For some immigration benefit requests, the filing or response period in the statute, regulation, or form instructions is expressed in a number of days. For example, when USCIS issues a Notice of Intent to Deny, the regulations provide that the maximum response time will not exceed 30 days. Similarly, when USCIS denies an Application to Register Permanent Residence or Adjust Status (Form I-485) and serves the denial in person, the alien has 30 days to file a motion by filing a Notice of Appeal or Motion (Form I-290B).¹ The alien has 33 days to file the Form I-290B if USCIS serves the denial by mail.²

When USCIS uses the term “day” to compute the period of time for a benefit requestor to take any action, including the filing of an appeal, the term includes Saturdays, Sundays, and federal holidays.³ However, when the last day of the filing period falls on a day that USCIS does not accept paper-based filings (that is, a Saturday, Sunday, or federal holiday), USCIS still considers the paper-based filing timely if received by the end of the next business day that USCIS does accept such filings (that is, a day that is not a Saturday, Sunday, or federal holiday).⁴ In these

¹ See 8 CFR 103.5(a)(1)(i).

² See 8 CFR 103.8(b).

³ See the U.S. Office of Personnel Management’s website for a list of federal holidays, also referred to as legal public holidays. See 5 U.S.C. 6103(a).

⁴ See 8 CFR 1.2 (“Day, when computing the period of time for taking any action provided in this chapter including the taking of an appeal shall include Saturdays, Sundays, and legal holidays, except that when the last day of the period computed falls on a Saturday, Sunday, or a legal holiday, the period shall run until the end of the next day which is not a Saturday, Sunday, or a legal holiday.”). The definitions in 8 CFR 1.2 generally apply to all benefit requests in 8 CFR Chapter I unless the statutes or regulations for the specific benefit request contain provisions that supersede those definitions. Certain immigration benefits, such as asylum applications, are governed by different regulations and procedures regarding Requests for Evidence, Notices of Intent to Deny, denials, and terminations. Therefore, the guidance in this Part does not apply to those immigration benefits governed by different regulations.

This policy is effective on October 23, 2026, and will be incorporated into the Policy Manual accordingly.

situations, while the received date may appear to be beyond the allotted filing period, USCIS considers the immigration benefit request to have been timely filed if received on the next business day.⁵

For example, if a Form I-485 denial notice is dated August 2, 2022, and USCIS served the denial by mail, then the alien has 33 calendar days from August 2, 2022, to file Form I-290B, with the last day of that filing period being Sunday, September 4, 2022. The next day, Monday, September 5, 2022, is Labor Day, a federal holiday. Therefore, because USCIS does not accept paper-based filings on weekends or federal holidays, the alien may file Form I-290B as late as Tuesday, September 6, 2022, and USCIS would still consider the filing to be timely.

2. Filing Deadlines that Are Not Expressed in Terms of “Days”

USCIS does not apply the regulatory definition of “day” for purposes of determining deadlines that are not defined as a specific period of “days” created by statute, regulation, or form instructions, but rather are based on a substantive eligibility requirement, such as filing a benefit request before a person's 21st birthday.

For example, a juvenile may petition for special immigrant juvenile (SIJ) classification if he or she is under 21 years of age at the time of filing the petition with USCIS.⁶ In this situation, even if the juvenile's 21st birthday falls on a weekend or federal holiday, USCIS does not apply the regulatory definition of day because the filing deadline is not expressed in terms of “days.” Therefore, in this situation USCIS does not extend the filing deadline to the next business day.

Electronic Filings

USCIS considers electronically submitted benefit requests to be received immediately upon submission. Therefore, electronic filings are not affected by the fact that USCIS does not accept paper filings on Saturdays, Sundays, or federal holidays; accordingly, USCIS does not apply the regulatory definition of day to extend the filing period for benefit requests filed electronically.⁷

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⁵ As provided under 8 CFR 103.2(a)(7)(i).

⁶ See INA 101(a)(27)(J). See Petition for Amerasian, Widow(er), or Special Immigrant (Form I-360). USCIS interprets the use of the term “child” in Section 235(d)(6) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPR 2008), Pub. L. 110-457, 122 Stat. 5044, 5080 (December 23, 2008), to refer to the definition of child in INA 101(b)(1), which states that a child is an unmarried person under 21 years of age.

⁷ Regulations at 8 CFR 103.2(a)(7)(i) state, “USCIS will consider a benefit request received and will record the receipt date as of the actual date of receipt at the location designated for filing such benefit request whether electronically or in paper format.” In addition, see Section A, How to Submit [1 USCIS PM B.6(A)].