Practice Advisory: USCIS Mandatory Electronic Filing (e-filing)

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I. Introduction

On August 11, 2026, the Department of Homeland Security (DHS) published an **interim final rule (IFR), Mandatory Electronic Filing (e-filing)** that establishes a framework under which U.S. Citizenship and Immigration Services (USCIS) may require certain immigration benefit requests to be filed electronically rather than on paper-based mail.[1]

The IFR does not, by itself, make electronic filing mandatory for any particular USCIS form. Instead, it gives USCIS authority to require electronic filing on a form-by-form or category-by-category basis. Before USCIS may impose a mandatory e-filing requirement, the form must have been available for electronic filing for at least 180 days, and USCIS must publish notice of the mandatory e-filing requirement on its website and provide an additional 60-day period before the requirement takes effect.

The IFR also establishes a process through which certain individuals may request a waiver of a mandatory e-filing requirement based on "undue hardship."[2] The new waiver process will use **Form I-936, Request for Waiver of Electronic Filing Requirement**, and the rule establishes a $25 filing fee for that request, subject to limited fee-waiver provisions.

This practice advisory provides immigration legal service providers (ILSPs) with an overview of the IFR and practical guidance on preparing for the transition to mandatory electronic filing. It explains what the IFR changes, how and when mandatory e-filing may take effect, what practitioners should know about the future waiver process and steps ILSPs can take now to prepare their filing, client-review, recordkeeping and case-management practices.

A. Why does this matter for immigration practitioners?

The transition to mandatory electronic filing could change how immigration legal service providers prepare, review, submit, document and monitor certain immigration benefits applications filed with USCIS. Practitioners who regularly prepare affirmative applications — such as humanitarian applications, family-based petitions and applications, adjustment of status applications, naturalization applications and related benefit requests — should begin preparing their internal systems and workflows now before a particular form becomes subject to mandatory e-filing.

The IFR expressly anticipates that electronic filing may occur either through a **USCIS guided online filing process** or, for forms for which USCIS makes it available, **by uploading a completed Portable Document Format (PDF)** and supporting documentation through a USCIS online account.

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[1] 8 C.F.R. § 103.2(a)(1)(ii) (2026); *Mandatory Electronic Filing (e-Filing),* 91 Fed. Reg. at 51,924-51971. https://www.federalregister.gov/documents/2026/08/11/2026-16313/mandatory-electronic-filing-e-filing

[2] The IFR does not define "undue hardship" through an exhaustive list of circumstances. Rather, USCIS will evaluate waiver requests case-by-case, considering factors including access to technology, geographic location, socioeconomic circumstances and access to public technology resources. Mandatory Electronic Filing (e-Filing), 91 Fed. Reg. 51,924, 51,944–46 (Aug. 11, 2026).

For ILSPs, the transition therefore presents both operational opportunities and new risks. Electronic filing may reduce mailing, printing, scanning and paper-record burdens, but it also creates new responsibilities relating to online accounts, document management, client review, submission records, electronic notices and staff training.

Practice Point: Do not assume that a form is currently subject to mandatory e-filing simply because it is available for online filing. Practitioners should continue to follow the current USCIS filing instructions for each form and check regularly for USCIS announcements establishing a mandatory e-filing date.

II. What the IFR Changes

A. USCIS may require electronic filing

The IFR authorizes USCIS, in its discretion, to require electronic filing of a benefit request if the applicable form has been available for electronic filing for at least 180 days. As of the date of this practice advisory, forms that have been available for electronic filing over 180 days include Form I-130, Petition for Alien Relative; Form I-90, Application to Replace Permanent Resident Card; Form I-765, Application for Employment Authorization; and Form N-400, Application for Naturalization, among others.[3]

USCIS has indicated that it will soon require online filing for many forms. Although USCIS has not identified which forms will be subject to the requirement first, Form N-400 may be among the first forms affected, given its longstanding availability for online filing.

USCIS may apply an electronic filing requirement broadly or limit it to specific circumstances, eligibility categories, classifications or types of requests.

Before implementing the requirement, **USCIS must publish notice on its website at least 60 days in advance and identify the date after which the paper version of the filing will no longer be accepted.**

B. Mandatory e-filing does not necessarily mean completing a form entirely online

The IFR defines "e-file" broadly. Electronic filing may include completing a form through a USCIS online guided filing system, submitting information through an electronic interface or uploading a completed PDF through an approved USCIS online account.

This distinction is important for practitioners because electronic filing does not necessarily require completing the entire application within USCIS's online system. Depending on the form and filing method available, practitioners may be able to prepare the application using their

[3] For a list of forms available for online filing, see USCIS, Forms Available to File Online.

existing workflows and then upload the completed PDF and supporting documents through USCIS's electronic filing system.

C. USCIS may require e-filing for particular categories or circumstances

The IFR permits USCIS to require electronic filing for specific eligibility categories, classifications or types of benefit requests, even when other uses of the same form are not subject to mandatory e-filing.

In deciding whether to require e-filing for a particular benefit request, USCIS may consider factors such as the characteristics of the population that uses the form, system capabilities and other relevant considerations.

Practitioners, therefore, should not assume that a mandatory e-filing requirement for a particular form will apply to all benefit requests filed using that form. Instead, they should review USCIS guidance to determine whether the requirement applies to the specific eligibility category, classification or type of request.

III. Waivers of the E-Filing Requirement

The IFR establishes a process for requestors [4] who are unable to comply with a mandatory e-filing requirement because doing so would cause undue hardship. **However, as of the date of publication of this practice advisory, the waiver process is not yet operational.** DHS states that the IFR will have no practical effect on individual filings until Form I-936, Request for Waiver of Electronic Filing Requirement is approved by the Office of Management and Budget (OMB) and USCIS issues a form-specific notice requiring e-filing at least 60 days in the future.

Under the IFR, USCIS will evaluate waiver requests on a case-by-case basis and may consider factors including the requestor's geographic location, socioeconomic conditions, access to technology and availability of public technology resources. The IFR also states that unfamiliarity with the USCIS electronic filing system or not having an online account generally will not be enough to establish the requestor qualifies for a waiver.

Importantly for ILSPs, DHS expects that applicants who have legal representation will generally not be eligible for a waiver. DHS reasons that represented individuals should generally be able to access the internet and electronic filing through their attorney or Department of Justice (DOJ) accredited representative. However, representation **does not categorically preclude** a waiver. USCIS will consider each request under individual circumstances and may grant a waiver where the requestor demonstrates that mandatory e-filing would cause undue hardship.

[4] The IFR defines "requestor" broadly to include the person or entity submitting the benefit request, including an attorney or accredited representative submitting a request on an applicant's behalf.

The IFR establishes a **$25 filing fee for Form I-936**, subject to specified fee-waiver provisions. The Form I-936 fee is separate from any fee applicable to the underlying benefit request.

Practice Point: Practitioners should not submit Form I-936 or advise clients to rely on the waiver process until USCIS publishes the form and filing instructions. For now, practitioners should monitor USCIS announcements regarding the implementation of the waiver process and any form-specific mandatory e-filing requirements. Once USCIS publishes Form I-936 and its instructions, practitioners should review the eligibility criteria, filing procedures, supporting evidence, fees and timing requirements. **Because USCIS has not indicated how long it will take to adjudicate waiver requests, practitioners should not assume that a waiver will be granted before the filing deadline for the underlying benefit request.** Practitioners should plan accordingly to avoid missing applicable filing deadlines while a waiver request is pending.

IV. What Should Practitioners Do Now to Prepare?

Although the IFR itself does not make a particular form mandatory for electronic filing, ILSPs should begin preparing for a transition away from paper-based filing, particularly for certain benefits.

A. Create and maintain USCIS online accounts

Attorneys and accredited representatives who do not already have USCIS online accounts should create them and become familiar with the electronic filing system.

ILSPs should also establish internal protocols governing:

- Which staff members may access representative accounts
- How account credentials and authentication information are maintained
- Who is responsible for monitoring accounts
- How staff departures or changes in responsibilities are handled
- How cases and notices are assigned internally

Because electronic filing creates a new channel through which USCIS may communicate with representatives and requestors, account access should be treated as an important part of the case record and accorded the appropriate confidentiality safeguards.

B. Prepare representative information in advance

Where the attorney or accredited representative who will be listed on the case is known, the representative information can be prepared in advance. The ILSP may establish standardized workflows for preparing the applicable representative form or information, obtaining the necessary signature and entering the date of submission when the filing is ready.

Practitioners should continue to follow the specific USCIS instructions governing signatures and representation for the applicable filing. The IFR confirms that electronic signatures may be accepted when the filing is made through an authorized USCIS online process.

C. Prepare interpreter information in advance

Similarly, if the interpreter is known in advance, practitioners may consider preparing the interpreter's information and obtaining the required signature before the filing is ready for submission, consistent with the applicable form instructions.

ILSPs that routinely work with the same interpreters may benefit from standardized internal procedures for collecting and securely maintaining this information.

D. Build client review into the electronic filing workflow

Electronic filing should not eliminate the client's opportunity to review the completed application before submission. Practitioners can generally prepare the online filing in advance and, when appropriate, conduct a client review by screen sharing the application or reviewing the relevant portions of the completed form with the client.

The ILSP should establish a clear point at which the client confirms:

- Information is complete and accurate
- Practitioner has identified any material corrections
- Client has reviewed the relevant questions and answers
- Client authorizes submission of the filing

The practitioner should document this review and authorization in accordance with its professional responsibility and case-management procedures.

V. Recordkeeping: Preserve the Electronic Filing Record

USCIS's mandatory electronic filing system **should not** be treated as a replacement for an ILSP's existing case-management system. USCIS's electronic system should complement — not replace or eliminate — the ILSP's internal system for tracking deadlines, communications, client documents, practitioner work product, filing history and case status.

Practitioners should continue to maintain a complete case file documenting an accurate record of what was submitted to USCIS. At a minimum, the file should include:

- The final application and complete set of submitted supporting documents
- Submission confirmation, date and time of filing, and USCIS receipt number and notice (when available)
- Filing fee payment confirmation and any electronically generated notices
- USCIS rejection notices or error messages (if applicable)
- The identity of the practitioner who submitted the filing
- Documentation of client review and authorization

Where possible, practitioners should save the final application and supporting documents as a PDF immediately after submission. Because electronic filing may involve multiple versions of an

application, ILSPs should distinguish between the working draft, the client-reviewed and approved version, and the final version submitted to USCIS. Preserving the submission package allows practitioners to verify what was filed, in case questions later arise about an answer, attachment, signature, filing date or technical error.

VI. Monitor USCIS Accounts Regularly

Practitioners should establish a routine for checking representative USCIS online accounts. For example, ILSPs may require representatives or designated staff to review USCIS accounts at least weekly, or more frequently when a case has an upcoming deadline or is expected to receive an important notice. Regular monitoring is important because USCIS may post electronic notices or case updates to an online account even when a separate paper notice is not immediately received.

Practitioners should consider implementing an internal process for:

- Reviewing new USCIS account activity
- Downloading and saving notices
- Entering relevant deadlines into the case-management system
- Assigning follow-up tasks
- Notifying the client (when appropriate)
- Documenting the review

A weekly account-review protocol can also reduce the risk that an important USCIS notice is overlooked because staff are relying exclusively on postal mail.

VII. Program Management Considerations

The transition to electronic filing is not solely a responsibility of individual practitioners. Program managers and supervisors should begin evaluating how mandatory e-filing will affect the ILSP's workflows.

A. Conduct a case inventory

ILSPs should identify the forms and benefit categories they regularly file to determine:

- Which forms are currently available for e-filing
- If USCIS has announced a mandatory e-filing date
- Whether the form can be filed through guided online filing, PDFi[5] or both
- If related forms can be e-filed together
- What supporting document limitations may apply

[5] PDF Intake (PDFi) is an electronic filing process through which a requestor uploads a completed PDF of a benefit request to a USCIS online account, together with supporting documentation and electronic payment where applicable. USCIS processes the uploaded filing through its Lockbox intake system. PDFi is distinct from USCIS's guided online filing experience. Practitioners should therefore determine, for each form subject to mandatory e-filing, which electronic filing method USCIS permits.

- How to handle cases for clients who may face significant barriers to electronic filing

B. Establish standardized filing checklists

Electronic filing should have a standardized quality control process just as paper filing does.

A filing checklist should address, as applicable:

- Correct form(s)
- Required fields
- Signatures and electronic attestations
- Representative information
- Interpreter information
- Supporting evidence
- Certified translations
- Fee/payment
- File upload requirements
- File naming conventions
- File size and format requirements
- Client review/approval
- Final submission date
- Receipt of confirmation
- Preservation of the final submission record

C. Train staff before a mandate takes effect

ILSPs should train staff on the electronic filing systems before they are required to use them. Training should address both **technical procedures** and **case-quality procedures**. Staff should understand that clicking "submit" does not reduce the substantive importance of verifying every answer and attachment before submission.

D. Develop a contingency plan

ILSPs should establish procedures for responding to electronic filing problems, such as:

- The USCIS online system is unavailable or an upload fails
- A filing is rejected or submitted without confirmation
- Payment fails
- The wrong document is uploaded or the wrong form edition is used
- A client cannot access the technology necessary to review the filing
- A filing deadline approaches while a waiver request is pending
- The USCIS online system displays an incorrect filing deadline or prevents submission through the appropriate filing mechanism

Practice Point: When encountering technical problems with USCIS's online filing system, practitioners should:

- **Record the issue —** save screenshots of error messages, system notifications and attempted submissions (including date and time stamps)
- **Document follow-up efforts —** retain troubleshooting and other communications with USCIS, including any incident or service request numbers
- **Seek support and assistance —** consult colleagues or relevant practitioner listservs to determine whether others have encountered similar issues and identified potential solutions, and connect with the USCIS Contact Center to report technical errors
- **Allow sufficient time —** submit filings well before applicable deadlines whenever possible to allow time to address unexpected technical problems
- **Consider alternative submission methods —** if the system prevents submission through the designated process, evaluate other available options, such as mailing a physical copy, if permitted (retain proof of all submission attempts and delivery)

Practitioners should not assume that reporting a technical problem or submitting documents through an alternative channel will automatically preserve the filing date or excuse a missed deadline.

VIII. IFR Implementation Timeline

Date/Trigger	What Happens	ILSP's Action
August 11, 2026	IFR effective date	Prepare internal systems and monitor USCIS announcements and notices
Form available for e-filing for at least 180 days	Form becomes eligible for a future mandatory e-filing requirement	Identify affected cases and workflows
USCIS form-specific notice	USCIS announces that e-filing will become mandatory	Begin transition
At least 60 days after USCIS notice	Mandatory e-filing takes effect for the specified form/category	File electronically unless an approved waiver applies
If seeking waiver: before paper filing	Requestor seeks waiver because e-filing would cause the requestor undue hardship	Submit Form I-936 and supporting evidence before filing the underlying paper request
If seeking waiver: after waiver approval	USCIS authorizes paper filing for the specified request	Submit the paper benefit request within the validity period and to the location specified by USCIS

Note: The IFR states that its mandatory e-filing framework will have no practical effect on individual filings until **Form I-936 has been approved by OMB and USCIS issues a form-specific notice providing at least 60 days before the e-filing requirement takes effect**.

A. Example: Filing an N-400 After Mandatory E-Filing Takes Effect

The following example illustrates how the new process could work if USCIS announces that Form N-400, Application for Naturalization, will be subject to mandatory e-filing. **This is an example only and, as of the date of publication of this practice advisory, Form N-400 is not currently subject to a mandatory e-filing requirement.**

Steps	Action
Step 1: USCIS announces the mandatory e-filing requirement	USCIS publishes a notice stating that N-400 applications must be filed electronically beginning on a specified future date. The notice provides the required advance notice before the new requirement takes effect.
Step 2: Practitioner prepares Form N-400	The practitioner prepares Form N-400 and supporting documentation, including client's biographical information, eligibility information and any applicable evidence. The practitioner reviews the completed application with the client and obtains the required signatures or electronic attestations.
Step 3: Practitioner submits Form N-400 electronically	Beginning on the effective date specified by USCIS, the practitioner submits Form N-400 through the USCIS electronic filing system and pays the applicable filing fee electronically.
Step 4: Practitioner preserves the filing record	After submission, practitioner saves a copy of the final Form N-400, all supporting documentation submitted to USCIS, the filing confirmation, payment confirmation and any other relevant electronic records in the ILSP's case-management system.
Step 5: Practitioner monitors the USCIS account	The practitioner or designated staff member regularly checks the USCIS online account for receipt notice, biometrics information, interview notice, requests for evidence, decisions and other case updates.

Note: If the applicant believes that electronic filing would cause undue hardship, the practitioner should follow USCIS's waiver procedures once those procedures and Form I-936 are operational. The waiver would need to be approved before the practitioner submits the paper-based application of Form N-400.

IX. Additional Resources

- **8 C.F.R. § 103.2(a)(1)(ii) (2026); Mandatory Electronic Filing (e-Filing), 91 Fed. Reg. at 51,924-51971. August 11, 2026.** https://www.federalregister.gov/documents/2026/08/11/2026-16313/mandatory-electronic-filing-e-filing

- **USCIS Alert, USCIS To Require Electronic Filing of Forms: Strengthening National Security. August 10, 2026.** https://www.uscis.gov/newsroom/alerts/uscis-to-require-electronic-filing-of-forms-strengthening-national-security

- **USCIS File Online.** https://www.uscis.gov/file-online

- **USCIS How to Create a USCIS Online Account.** https://www.uscis.gov/file-online/how-to-create-a-uscis-online-account

- **USCIS Online Account Videos.** https://youtube.com/playlist?list=PLpNZsaiyFfG28IOQcPwsEV6silbbNjuPR&si=M6obtdETUhuEBxTQ

- **USCIS Online Filing for Attorneys and Accredited Representatives.** https://www.uscis.gov/file-online/online-filing-for-attorneys-and-accredited-representatives

- **Switchboard. Navigating myUSCIS: Using USCIS Online Accounts to File and Track Immigration Forms.** https://www.switchboardta.org/resource/navigating-myuscis-using-uscis-online-accounts-to-file-and-track-immigration-forms/