

Global Immigration Alert

August 2026

United States

USCIS to mandate online filing for certain case types

Executive summary

On 11 August 2026, US Citizenship and Immigration Services (USCIS) published an Interim Final Rule (IFR) with a request for comments that authorizes the agency to require mandatory online filing for certain immigration benefit requests (case types). The rule is effective immediately and is intended to further modernize USCIS operations and reduce reliance on paper-based filings. Comments on the IFR will be accepted until 13 October 2026.

Background and analysis

Under the new rule, USCIS may require applicants, petitioners, and representatives to submit designated forms electronically once those forms have been made available by USCIS for online filing for at least 180 days. There are currently more than 20 forms for which USCIS offers e-filing, including several employment-based options such as Forms I-129, I-140, and I-485J, as well as requests for premium processing (Form I-907).

Before making a particular form subject to mandatory e-filing, USCIS will provide public notice on its website and allow a 60-day transition period. Filers or their representatives will generally submit benefit requests through a USCIS online account, either by completing forms through guided online filing or by uploading a completed PDF of the form(s) associated with the case type.

The rule also establishes a waiver process for individuals who can demonstrate that compliance with the e-filing requirement would result in undue hardship. Such individuals may request an exemption by filing Form I-936, Request for Waiver of E-Filing Requirement, together with supporting documentation and the required filing fee. If approved, the waiver will be valid for a period

of 30 days. A separate waiver would be required for each benefit request.

What this means

The move toward mandatory e-filing is intended to reduce costs and burden for applicants, improve processing efficiency, enhance data accuracy, strengthen security, and provide applicants with better visibility into the status of their cases. Employers, foreign nationals, attorneys, and accredited representatives should expect an increasing number of immigration benefit requests to become subject to online filing requirements in the future.

While accommodations remain available for individuals facing significant barriers to electronic filing, most filers should begin preparing for a more fully digital immigration filing process. USCIS will continue to publish updates regarding which forms will become subject to mandatory e-filing and the applicable implementation dates.

We will continue to monitor and share future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional or Mehlman Jacobs LLP professional.

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