



USCIS Refunds: How is the Process Working for You?: Questions from CIS Ombudsman's Teleconference on January 31, 2008

The following are questions discussed during the January 31, 2008 teleconference and the answers received from USCIS.

1. Adjudicator's Field Manual – Another caller mentioned that the Adjudicator's Field Manual, which is posted on the internet, indicates that a petitioner or applicant should complete a Form G-266 to request a refund. This form is not currently available to the public. Does USCIS plan to post this form to allow applicants and petitioners to apply for refunds?

- **USCIS Response on April 30, 2008:** If an applicant or petitioner believes that he or she is entitled to a refund of fee, the applicant or petitioner should call the customer service line or submit a written request for a refund to the office having jurisdiction over their application or petition. USCIS will review the request for a refund and either approve or deny the request based on the information at hand. If the adjudicator finds USCIS made an error, then the officer will complete Form G-266, Request for Refund of Fee.

2. Requests for Refunds, No Follow-up – Several callers mentioned requesting refunds for regular and premium processed cases where they either heard nothing back from USCIS or were assured that something would happen and it did not. In addition, callers mentioned the lack of procedure on how to follow-up on these refund requests, particularly for regularly processed cases. How can a petitioner or applicant follow-up on a refund request?

- **USCIS Response on April 30, 2008:** To follow-up with a refund request, the applicant or petitioner should contact the customer service line at 1-800-375-5283 or submit a written request to the office having jurisdiction over the application or petition.

3. Applicant Submitted Two Applications – The caller sent in a Form I-129, but forgot to check one of the required boxes on the form to indicate a master's degree. Realizing the error, the caller submitted a second Form I-129 with an accompanying letter asking USCIS not to cash the second set of checks and pointing out the error. USCIS cashed all the checks and both I-129s were approved. Can the applicant obtain a refund and, if so, how?

- **USCIS Response on April 30, 2008:** When an applicant or petitioner pays a filing fee on an application, he or she is seeking a decision from USCIS regarding the applicant or beneficiary's eligibility for the benefit(s) being sought. In general, USCIS does not refund a fee or application regardless of the decision on the application. There are only a few exceptions to this rule, such as when USCIS made an error which resulted in the application being filed inappropriately or when an incorrect fee was collected.

If an applicant or petitioner believes that he or she is entitled to a refund of fee, the applicant or petitioner should contact the customer service line at 1-800-375-5283 or submit a written request for a refund to the office having jurisdiction over their application or petition. USCIS will review the request for a refund and either approve or deny the request based on the information at hand.

4. Premium Processing Refunds – (1) A caller filed a case for premium processing, but it was not processed within the required 15 days. The fees were not returned. (2) Another caller submitted an E-2 case at the Vermont Service Center for premium processing. The Service Center said it would not accept the case because it was at the wrong center and would be rejected. The caller e-filed a second E-2 at the California Service Center under premium processing. Both were approved. The caller requested a refund, but at the time of the teleconference had been waiting over two months. How can an applicant request a premium processing refund? How can the premium processing applicant follow-up on a refund request?

- **USCIS Response on April 30, 2008:** To request a premium processing refund, you should email or call the Premium Processing Units at the Service Centers. The USCIS website provides each Service Center's Premium

Processing email address. The Premium Processing toll free phone number is 1-866-315-5718. You will need to have your receipt number when you call as this phone number is only for inquiries relating to Premium Processing Service. Follow-up inquiries should be made in the same manner.

5. Sent Fee, But Fee Not Required – A caller filed the Form I-129 fee plus the fraud fees for the same petitioner but different company. The fraud fee was not required, but the caller sent it just in case. USCIS cashed the checks. The caller wrote to the Service Center director, but never heard back. How can a customer file for a refund of a regularly processed case and follow-up on that request?

- **USCIS Response on April 30, 2008:** When an applicant or petitioner pays a filing fee on an application, he or she is seeking a decision from USCIS regarding the applicant or beneficiary's eligibility for the benefit(s) being sought. In general, USCIS does not refund a fee or application regardless of the decision on the application. There are only a few exceptions to this rule, such as when USCIS made an error which resulted in the application being filed inappropriately or when an incorrect fee was collected.

If an applicant or petitioner believes that he or she is entitled to a refund of fee, the applicant or petitioner should call the customer service line at 1-800-375-5283 or submit a written request for a refund to the office having jurisdiction over their application or petition. USCIS will review the request for a refund and either approve or deny the request based on the information at hand. Follow-up inquiries should be made in the same manner.

6. EAD Application, Green Card – A caller filed for a replacement work authorization card. The next month the caller received a green card approval letter. The work authorization application was never adjudicated, but USCIS did not return the fee. How can this applicant get a refund?

- **USCIS Response on April 30, 2008:** The applicant will not be entitled to a refund. When an applicant or petitioner pays a filing fee on an application, he or she is seeking a decision from USCIS regarding the applicant or beneficiary's eligibility for the benefit(s) being sought. In general, USCIS does not refund a fee or application regardless of the decision on the application.

The implementation of the new fee schedule, effective July 30, 2007, prevents situations like this from happening. If you filed Form I-485, Application to Register Permanent Residence or Adjust Status, on or after July 30, 2007, then no fee is required to file a request for employment authorization on Form I-765.

7. Substantial Time Required to Obtain Refund – One caller mentioned that the time (sometimes months) it takes to request and follow-up on refund requests ends up costing clients who are represented by attorneys more than the actual refund itself.

- **USCIS Response on April 30, 2008:** USCIS regrets any difficulties individuals have had in obtaining refunds. For follow-up requests, please contact the customer service line at 1-800-375-5283 or submit a written request to the office having jurisdiction over the application or petition.

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