

RFE Prevention Checklist

Are your case processes built to pass USCIS review?



RFE prevention starts before a petition reaches USCIS officers.

Use this checklist to evaluate your case preparation processes, from intake through filing. It can help your team identify gaps, inconsistencies, and points of friction that may contribute to RFEs or make a case more difficult to review.

Intake and case data

Inconsistent facts across forms and evidence are a common trigger for RFEs. Confirm that your intake process catches conflicts and gaps before they carry into the petition.

- ☐ Are you using a consistent intake process for each type of case?
- ☐ Does your process ensure all required fields are completed before a case moves forward?
- ☐ Does your process make it easy to check names, dates, addresses, employment history, and other key facts for consistency?
- ☐ Do client responses get reviewed before populating case records or forms?
- ☐ Does your process resolve incomplete or conflicting information before it moves forward?
- ☐ Can everyone working on the case find the latest client information in the same place?

Evidence collection

Since many recent RFEs have overlooked evidence initially provided, it's time to tighten your approach to evidence collection. Your process should ensure the required evidence is not only gathered but also clearly labeled and easy to find.

- ☐ Does each case type have a defined document checklist?
- ☐ Does your process make it obvious to every staff member what types of evidence are needed for each eligibility requirement?
- ☐ Does your case workflow prompt staff to collect required evidence at the appropriate stage?
- ☐ Does your process include a step to review collected documents for completeness, consistency, and relevance?
- ☐ Are missing documents and outstanding client requests visible to the team?
- ☐ Do you have a review checkpoint in your workflows to ensure that each important assertion in a petition is traced to supporting evidence?
- ☐ Does your process flag the risk areas USCIS officers scrutinize most closely for each case type (e.g., specialty occupation evidence for H-1B or corroborated extraordinary ability criteria for EB-1A)?

Forms and petition preparation

Form and petition errors are some of the easiest RFE triggers to prevent, since they're rarely about legal substance and almost always about process.

Do you have steps in your form review process to confirm the following?

- ☐ Form data matches the information in the client record and supporting documents.
- ☐ Key facts are consistent across all forms where they appear.
- ☐ There are no blank fields, missing pages, outdated forms, or incomplete signatures.

Do you have steps in your petition review process to confirm the following?

- ☐ Support letters accurately describe the evidence included in the petition.
- ☐ The legal standard for each eligibility requirement is addressed clearly.
- ☐ The argument is clearly connected to the evidence supporting it.

Document assembly

A well-argued petition can still trigger an RFE if the reviewing officer can't readily find the evidence supporting it. Your assembly process should make key evidence easy to locate.

- ☐ Are your petitions always organized in a logical order?
- ☐ Do you have a clear labeling convention for exhibits?
- ☐ Do your tables of contents accurately describe what USCIS will find in the filing?
- ☐ Can someone unfamiliar with the case quickly locate evidence supporting each major argument?
- ☐ Do you have a final review step to assess the assembled petition rather than relying only on reviews of individual documents?
- ☐ Do you know where your firm retains a complete record of exactly what was submitted to USCIS?

Pre-filing review

This is the final, independent check before filing. A different reviewer, using a different lens, will often catch what earlier drafting-stage reviews might miss.

- ☐ Does someone other than the drafting attorney conduct an independent final review before the petition is filed?
- ☐ Does your process include using a legal AI research tool to check the petition for gaps, unsupported claims, or counterarguments an adjudicator might raise?
- ☐ Does your final review confirm the petition accounts for current USCIS policy, precedent, and recent RFE trends for this case type?
- ☐ Does your process confirm any issues found during final review are resolved in the case record as well as the filing?
- ☐ Does an attorney give final sign-off before the petition is submitted?
- ☐ Does your firm have a defined cutoff for final review, so issues can be fixed without rushing the filing?

RFE readiness

Even a carefully prepared petition can still receive an RFE. It's important to make sure your team can respond efficiently when one arrives.

- ☐ Can your team immediately retrieve the complete petition that USCIS received?
- ☐ Are the original exhibits, client information, case notes, and filing history connected to the case?
- ☐ Can you identify which evidence supported each eligibility requirement in the original filing?
- ☐ Does your firm have a defined workflow for receiving, assigning, analyzing, and responding to an RFE?
- ☐ Does your process clearly assign deadlines and responsibilities across the legal team?
- ☐ Can your team associate new client documents directly with an existing case?
- ☐ Does your team have access to current immigration-specific research when evaluating an RFE?
- ☐ Do you have a secure process for using AI-assisted review or drafting when appropriate?

How RFE-ready is your firm?

If you see multiple gaps within any single section, your process may be the culprit of preventable RFEs.

Strengthening those processes can improve every case that moves through your firm.

Ready to close the gaps that can lead to RFEs?

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