

Got an I-751 Request for Evidence? Start Here.

Read the notice, meet the deadline, send one complete response · By Attorney Joseph F. Botelho

WHY THIS MATTERS

A request for evidence (RFE) is **not a denial**. The officer cannot yet conclude, from your file, that the marriage was real when it began. If your answer is late or incomplete, the officer decides on the file as it stands, which usually means a denial.

HAVE THESE READY

- ☐ The RFE notice itself (all pages)
- ☐ Your I-797C receipt notice for the I-751 and your green card (expired is OK)
- ☐ A copy of everything you filed with the I-751
- ☐ Evidence for every year of the marriage, sorted by year
- ☐ Certified English translations of anything not in English
- ☐ A calendar with the printed response date circled

RESPOND IN 6 STEPS

- 1 Read the heading.** Request for evidence, or notice of intent to deny (NOID)?
- 2 Find the printed response date.** That date controls, not the day the letter arrived.
- 3 List each numbered item** and note the time period and category it asks about.
- 4 Gather evidence for every year;** for anything that does not exist, write why and what you send instead.
- 5 Build the response:** notice on top as instructed, numbered cover letter, exhibits in the same order.
- 6 Send one complete package** with tracking, early enough to **arrive** by the deadline.

RFE OR NOID? KNOW WHICH ONE YOU HAVE

Request for evidence	Up to 12 weeks, plus 3 days if mailed. Since August 5, 2026, the notice may give less. Follow the printed date.
Notice of intent to deny	More serious. No more than 30 days, plus 3 days if mailed.
Extensions	None. There is no form or phone call that adds time.
Your status meanwhile	Your I-797C receipt extends conditional resident status 48 months past the date on your card. Keep both together.

WARNING: DEADLINE AND PARTIAL RESPONSES

- Do **not** assume you have 87 days. Since August 2026, 12 weeks is a maximum, not a guarantee.
- USCIS treats any response, **even a partial one**, as a request to decide your case. There is no second chance to add the rest.
- What counts is when your response **arrives**, not when you mailed it.

GET HELP BEFORE YOU ANSWER IF...

- ☐ The notice questions whether the marriage was real (good faith)
- ☐ It asks for something that does not exist
- ☐ You have separated or divorced since filing jointly
- ☐ You cannot tell what the notice is asking for
- ☐ You received a notice of intent to deny

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Page 2: read the notice, organize the evidence, avoid the mistakes

SAMPLE: HOW TO READ YOUR NOTICE

[IMMIGRATION AGENCY] · NOTICE OF ACTION

REQUEST FOR EVIDENCE

2 RECEIPT NUMBER: XX-XXX-XXXXXXX

FORM: I-751

3 NOTICE DATE: MM/DD/YYYY

PETITIONER: CLIENT, SAMPLE

4 RESPONSE DUE BY: MM/DD/YYYY

The evidence submitted is not sufficient to establish eligibility. Submit the evidence listed below. The response must be received by the date shown above. Additional time to respond cannot be granted.

EVIDENCE REQUESTED

1. Evidence of joint financial responsibility for the period MM/YYYY to MM/YYYY.
2. Evidence of shared residence for the same period (lease, mortgage, or other).
3. Affidavits from people with personal knowledge of the marriage, with contact information.
4. A certified English translation of any foreign-language document.

HOW TO RESPOND

Place this notice on top of your response. Send everything in one package to the address below.

[AGENCY ADDRESS LINE 1] · [CITY, STATE ZIP]

Generic illustration. Real notices differ in layout and wording.
FICTIONAL SAMPLE — names, dates, and numbers are placeholders.

- 1 The heading**
Request for evidence, or notice of intent to deny?
- 2 Receipt number**
Put it on every page of your response.
- 3 Notice date**
The clock runs from here, not from delivery.
- 4 Response deadline**
This printed date controls. No extensions.
- 5 What they want, item by item**
Note the time period and the category for each.
- 6 How to respond**
Follow it exactly: notice on top, one package, correct address.

Generic, fictional illustration. Real notices differ in layout and wording.

EVIDENCE CHECKLIST: EVERY YEAR OF THE MARRIAGE

Category	Year 1	Year 2	Year 3	Year 4	Year 5
Finances (or why not)	☐	☐	☐	☐	☐
Shared residence	☐	☐	☐	☐	☐
Photos and travel	☐	☐	☐	☐	☐
Messages over time	☐	☐	☐	☐	☐
Letters from people who know you	☐	☐	☐	☐	☐

COVER LETTER OUTLINE

- Receipt number, your names, and the notice date at the top
- "Response to Request for Evidence dated MM/DD/YYYY"
- Item 1: Exhibit A, what it is and the years it covers
- Item 2: Exhibit B, what it is and the years it covers
- Item 3: does not exist; why; what is attached instead
- List of exhibits, in the notice's order

COMMON MISTAKES

- ✗ Counting days from when the letter arrived
- ✗ Assuming 87 days without reading the notice
- ✗ Sending 400 pages hoping volume answers it
- ✗ Leaving a requested item unanswered
- ✗ Arguing about the request
- ✗ Mailing pieces as you find them
- ✗ Uncertified or partial translations

If something goes wrong: a NOID is a second, shorter chance to answer; read it the same day. **Divorced or divorcing after a joint filing?** The RFE may ask for your final decree, and the petition is then treated as a waiver; get advice before answering. **Notario warning:** a notary public is not a lawyer.

FREE CONSULTATION: 508-500-1551 · Schedule: botelholawgroup.com/lets-connect

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