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Washington, DC 20548

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August 26, 2026

The Honorable Chuck Grassley
Chairman
The Honorable Richard J. Durbin
Ranking Member
Committee on the Judiciary
United States Senate

The Honorable Jim Jordan
Chairman
The Honorable Jamie Raskin
Ranking Member
Committee on the Judiciary
House of Representatives

Subject: *Department of Homeland Security: Mandatory Electronic Filing (e-Filing)*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Homeland Security (DHS) entitled “Mandatory Electronic Filing (e-Filing)” (RIN: 1615-AD19). We received the rule on August 11, 2026. It was published in the *Federal Register* on August 11, 2026. 91 Fed. Reg. 51924. The effective date of the rule is August 11, 2026.

This rule amends DHS regulations to provide that the United States Citizenship and Immigration Services (USCIS) may require mandatory electronic filing (e-filing) of certain benefit requests. According to DHS, this rule lays out the process USCIS will follow to require a benefit request to be e-filed and how a waiver of the e-filing requirement for those individuals unable to file electronically may be requested. DHS stated that this rule is intended to increase digital intake and processing to move USCIS and requestors from a mostly paper process to an electronic process and further enhance the integrity of the immigration system and the security of the United States.

The Congressional Review Act (CRA) requires a 60-day delay in the effective date of a major rule from the date of publication in the *Federal Register* or receipt of the rule by Congress, whichever is later. 5 U.S.C. § 801(a)(3)(A). The 60-day delay in effective date does not apply, however, if the agency finds for good cause that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, and the agency incorporates the finding and a brief statement of its reasons in the rule. 5 U.S.C. §§ 553(b)(B), 808(2). Here, DHS found that notice and comment procedures were unnecessary as the rule relates to agency procedure and practice and is not substantive. 91 Fed. Reg. 51948. DHS also noted that a delayed effective date was unnecessary, in light of the rule’s requirement that USCIS observe at least a 60-day delay before requiring e-filing for any form. *Id.*

Enclosed is our assessment of DHS's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to the subject matter of the rule, please contact me at (202) 512-8156.

A handwritten signature in black ink that reads "Shirley A. Jones". The signature is written in a cursive, flowing style.

Shirley A. Jones
Managing Associate General Counsel

Enclosure

cc: Samantha Deshommes
Chief Regulatory Officer
U.S. Citizenship and Immigration Services

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF HOMELAND SECURITY
ENTITLED
“MANDATORY ELECTRONIC FILING (E-FILING)”
(RIN: 1615-AD19)

(i) Cost-benefit analysis

The Department of Homeland Security (DHS) prepared an analysis of the costs and benefits for this rule. See 91 Fed. Reg. 51924, 51925–26 (Aug. 11, 2026). For the 10-year implementation period of the rule (fiscal years 2027 through 2036), DHS estimated annual cost savings to requestors will be about \$533 million. *Id.* at 51925. According to DHS, these savings result from requestors no longer filing paper-based benefit requests, avoiding the need to re-file rejected paper forms, and reducing the time burden associated with paper filing. *Id.* DHS also estimated that requestors will incur about \$15 million annually in new costs related to the e-filing waiver form, including the opportunity cost of the time needed to complete the form, e-filing waiver form fee, and mailing expenses. *Id.*

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603–605, 607, and 609

DHS stated that since a notice of proposed rulemaking was not necessary for this rule, DHS is not required to either certify that this rule would not have a significant economic impact on a substantial number of small entities nor conduct a regulatory flexibility analysis. 91 Fed. Reg. 51969.

(iii) Agency actions relevant to sections 202–205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532–1535

DHS stated that this rule does not contain a federal mandate as the term is defined in the Act and thus, DHS did not prepare a statement under the Act. 91 Fed. Reg. 51969.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

DHS found that notice and comment procedures were unnecessary as the rule relates to agency procedure and practice and is not substantive. See 91 Fed. Reg. 51948.

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501–3520

DHS determined that this rule contains information collection requirements under the Act. 91 Fed. Reg. 51970.

Statutory authorization for the rule

DHS promulgated this rule pursuant to section 111(b)(1)(F) of title 6 and sections 1103(a) and 1356(m) of title 8, United States Code.

Executive Order No. 12866 (Regulatory Planning and Review)

DHS stated that the Office of Management and Budget designated this rule as a “significant regulatory action” and reviewed it. 91 Fed. Reg. 51948.

Executive Order No. 13132 (Federalism)

DHS determined that this rule does not have federalism implications. 91 Fed. Reg. 51969.