

Congress of the United States

Washington, DC 20510

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By ESEC at 1:12 pm, Jan 12, 2024

January 12, 2024

The Honorable Alejandro Mayorkas
U.S. Department of Homeland Security
3801 Nebraska Ave. NW
Washington, D.C. 20016

Director Ur Jaddou
U.S. Citizenship and Immigration Services
20 Massachusetts Ave. NW
Washington, D.C. 20001

Secretary Mayorkas and Director Jaddou:

As members of the New Democrat Coalition, we write to ask that the Biden Administration take immediate steps to distribute work authorizations to immigrants more quickly and efficiently in order to fill worker shortages and further bolster the economy.

Under current law, asylum applicants must wait 180 days before receiving legal work authorization, or an Employment Authorization Document (EAD). In practice, these wait times currently last for many months beyond the initial waiting period, in part because the Administration faces a backlog across application and petition categories, resulting in an overall lack of resources and capacity to keep pace with EAD adjudications.¹ These delays exacerbate the short-term need for employees in key industries and impose financial hardships on migrant families who would otherwise seek work and contribute to our economy.

Immigration is a key solution to U.S. workforce shortages. The Bureau of Labor Statistics' Job Openings and Labor Turnover Summary, published October 3, 2023, show the number of job openings increased to 9.6 million on the last business day of August.² Workforce shortages are particularly concentrated in manufacturing, farm work, and hospitality-- all industries in which foreign labor plays a critical role. Easing workforce shortages will benefit other parts of the economy, such as by reducing inflation and more efficiently meeting post-pandemic consumer demand.³ A study by FWD.us estimated that adults admitted to the U.S. under humanitarian parole contributed to about 25 percent of the decrease in job openings in understaffed industries which would otherwise have remained unfilled.⁴

Business leaders in many of our states and districts have led the call for reform. On August 15, 2023, one hundred twenty-six employers called on the Administration to expand visa usage and give states the authority to act on their workforce needs.⁵ This proposal is also backed by a bipartisan group of governors.⁶

¹ USCIS. "Number of Service-Wide Forms Fiscal Year To Date." January 1, 2023 – March 31, 2023.

² BLS. "Job Openings and Labor Turnover Summary." October 3, 2023.

³ Gest, et al. "To lower inflation, America needs more immigration to alleviate national labor shortages." FWD.us; George Mason University. May 1, 2023.

⁴ Connor. "Immigration parole has added 450,000 workers to industries with critical labor shortages." FWD.us. April 20, 2023.

⁵ Bernal. "Business leaders plea with Biden for work visas to help with unfilled jobs." *The Hill*. June 28, 2023.

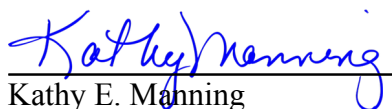
The U.S. economy is in a state of recovery, and we commend the Administration's efforts to cool inflation and create new jobs. However, the cost-of-living and price of consumer goods remain high for working families. The increase in new jobs has also led to an increase in workforce shortages across key industries. Responsible stewardship of the economy must include immigration among other robust policies to complete our post-pandemic recovery.

Comprehensive immigration reform must be led by Congress, and the New Democrat Coalition continues to call for common-sense, bipartisan immigration legislation. However, the Biden Administration should utilize its rulemaking authority to support employers and bolster the U.S. economy. To further remedy the workforce challenges facing these communities, we ask the Administration to take the following actions:

1. Coordinate with employers and stakeholders to develop policy proposals to shorten the waiting period for asylum applicants before they receive work authorization.
2. Continue aggressive efforts to prompt those migrants currently eligible for work permits to apply. We applaud the Administration for its campaign, beginning in September 2023, to inform the over one million migrants eligible for work permits that they are able to apply,⁷ and strongly encourage continued investment in similar programs.
3. Coordinate with local and state law enforcement officials to combat immigration scams targeting recent migrants, humanitarian parolees, and asylees. These scams are known to contribute to application processing delays and the overall backlog in the USCIS system.⁸

We join the business community in calling for common-sense immigration solutions that lower costs for working families, support employers, and bolster our economy. We look forward to working with the Biden Administration to achieve these goals.

Sincerely,



Kathy E. Manning
Member of Congress
Chair, New Democrat Coalition
Workforce Development Task Force

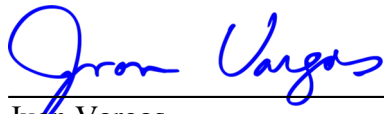


Greg Stanton
Member of Congress
Chair, New Democrat Coalition
Immigration Task Force

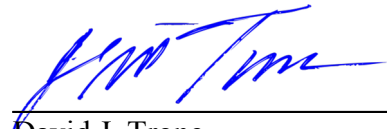
⁶ [Holcomb & Cox, "To solve our national immigration crisis, let states sponsor immigrants." *The Washington Post*. February 21, 2023.](#)

⁷ [Shear, "White House Urges Eligible Immigrants to Apply for Work Permits." *The New York Times*. September 8, 2023.](#)

⁸ [American Bar Association, "About Notario Fraud." January 31, 2022.](#)



Juan Vargas
Member of Congress



David J. Trone
Member of Congress



Ann McLane Kuster
Chair
New Democrat Coalition



Nikema Williams
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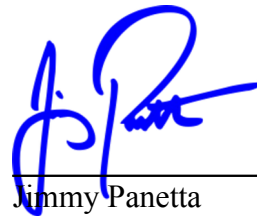
Deborah K. Ross
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Susie Lee
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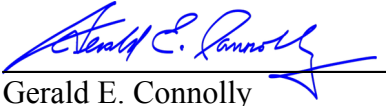
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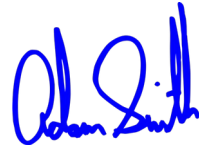
Patrick K. Ryan
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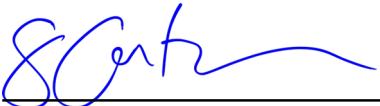
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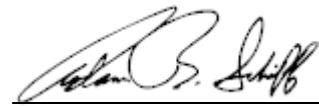
Raja Krishnamoorthi
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Jason Crow
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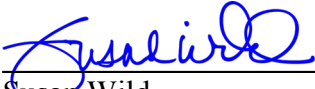
Adam B. Schiff
Member of Congress



Veronica Escobar
Member of Congress



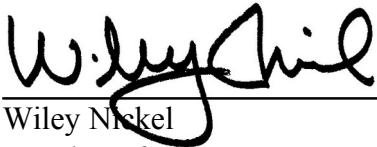
Ami Bera, M.D.
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Susan Wild
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Wiley Nickel
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Ed Case
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Darren Soto
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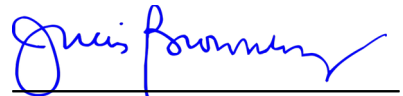
Dean Phillips
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Madeleine Dean
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Julia Brownley
Member of Congress



U.S. Citizenship
and Immigration
Services

April 29, 2024

The Honorable Kathy E. Manning
U.S. House of Representatives
Washington, DC 20515

Dear Representative Manning:

Thank you for your January 12, 2024 letter to the Department of Homeland Security (DHS). I am responding on behalf of the Department.

DHS understands the importance of employment authorization to asylum applicants and parolees, as well as to the U.S. businesses and organizations that employ them. U.S. Citizenship and Immigration Services (USCIS) has implemented several measures to address employment authorization policies, particularly for those seeking an employment authorization document (EAD) based on humanitarian categories. USCIS remains committed to assisting asylum applicants within the bounds of the law.

I appreciate the concerns you and your fellow New Democrat Coalition members shared regarding this issue. As you noted, section 208(d)(2) of the Immigration and Nationality Act states that employment authorization shall not be granted to an asylum applicant prior to the expiration of the 180-day period after the date of filing the asylum application. Therefore, only Congress can reduce or eliminate the 180-day EAD eligibility period for asylum applicants. Although changing the 180-day waiting period requires Congressional action, USCIS continues to look at ways to increase processing efficiencies and lower barriers to access. To ensure that asylum applicants' requests for employment authorization are adjudicated as close to the end of the 180-day waiting period as possible, DHS regulations allow asylum applicants to submit their applications for employment authorization as soon as their filed asylum applications have been pending for 150 days. This applies to all asylum applicants, regardless of whether their application is pending in immigration court or before USCIS. Moreover, the median processing time for EADs from asylum applicants is currently less than 30 days.

On May 4, 2022, USCIS published a Temporary Final Rule (TFR) that temporarily increased the automatic extension period for EADs from up to 180 days to up to 540 days for certain renewal applicants who properly filed their EAD renewal applications before October 27, 2023,¹ including those with pending asylum applications. This temporary increase helped avoid gaps in employment authorization for certain applicants with pending EAD renewal applications

¹ See 87 FR 26614 (May 4, 2022) (adding 8 CFR 274a.13(d)(5)); see also <https://www.uscis.gov/eadautoextend>.

and helped stabilize the continuity of operations for their U.S. employers. On April 8, 2024, DHS published a second TFR to increase the automatic extension period for certain EAD renewal applicants to up to 540 days for EAD renewal applications filed on or after October 27, 2023, and on or before September 30, 2025.²

On September 27, 2023, USCIS issued updated guidance in the USCIS Policy Manual, increasing the maximum validity period to five years for both initial and renewal EADs for certain noncitizens, including applicants for asylum and those granted asylum.³ This reduces the frequency with which these noncitizens must apply to renew their employment authorization and/or EADs and contributes to USCIS' efforts to reduce associated processing times. Furthermore, USCIS has made significant and ongoing progress in pursuit of our EAD backlog reduction goals and remains committed to exploring policy and operational changes to mitigate against the consequences of unanticipated processing delays. As of December 31, 2023, USCIS was processing 92 percent of initial EAD requests filed by noncitizens with pending asylum applications within 30 days and 99 percent within 60 days.

In October 2023, USCIS began accelerating processing for EAD applications filed by noncitizens who were paroled into the United States after appearing at a U.S. port of entry for an appointment scheduled through the CBP One™ mobile app or were paroled into the United States under the processes for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV). USCIS has made steady progress toward this commitment—median processing times for these parole-based EADs are approximately 30 days.

While USCIS has allocated significant resources to address the influx of applications from recent arrivals, we remain committed to implementing policy changes and operational solutions to further reduce the EAD backlog, which includes a focus on adjudicating applications that may be outside of normal processing times. As noted above, USCIS has taken aggressive steps to reduce the processing times for EAD applications and will continue exploring policy changes where necessary. We believe our ongoing efforts will continue to have a significant effect on reducing processing times and ensure that immigration benefit requests will be adjudicated in a timely and efficient manner.

I appreciate your support for the Administration's campaign to inform certain noncitizens of their eligibility to apply for employment authorization. USCIS has sent more than 1.9 million emails and text messages to eligible affirmative asylum applicants and certain parolees to inform them of their eligibility to apply for employment authorization. USCIS has also worked with localities to provide technical assistance and assistance to reduce barriers or challenges applicants may face in applying for employment authorization. USCIS continues to participate in public engagements throughout the country to raise awareness among noncitizens who are eligible to apply for employment authorization.

USCIS recognizes that requesting immigration benefits can be complex and that applicants, petitioners, and requestors are at risk of becoming victims of scams or fraud. USCIS

² See 89 FR 24628 (April 8, 2024) (adding 8 CFR 274.13(d)(6)); see also <https://www.uscis.gov/eadautoextend>.

³ See <https://www.uscis.gov/newsroom/alerts/uscis-increases-employment-authorization-document-validity-period-for-certain-categories>.

provides information to help noncitizens avoid immigration-related scams while offering resources to report scams at uscis.gov/avoid-scams. USCIS regularly coordinates with federal, state, local, and tribal law enforcement agencies to address immigration benefit fraud. USCIS, U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement (ICE) have concurrent jurisdiction to investigate fraud with respect to immigration benefit requests. More specifically, USCIS' Fraud Detection and National Security Directorate refers cases to ICE where there is evidence of immigration fraud including fraud perpetrated by attorneys, representatives, and notarios.

Thank you again for your letter and interest in this important issue. The cosigners of your letter will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou
Director