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By ESEC at 8:49 am, Dec 12, 2023



COUNCIL OF THE DISTRICT OF COLUMBIA
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20004

December 11, 2023

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

Dear Secretary Mayorkas,

We are writing to address critical matters concerning migrants in the District of Columbia. In April 2022, our city became the first to receive asylum seekers transported from the Texas border under "Operation Lone Star," a response to the enactment of Title 42. In response, the District established programs and services to support these newcomers. However, many asylum seekers still grapple with significant barriers to employment, housing, and stability due to the absence of work authorization.

Therefore, we request that the U.S. Department of Homeland Security (DHS) promptly streamline the asylum process. Currently, asylum seekers must wait six months after applying for asylum before they can request a work permit, placing a significant burden on these individuals. Our proposal is straightforward: allow all migrants to submit work permit applications concurrently with asylum claims, expediting the process for asylum seekers to gain employment.

Further, we request that Temporary Protected Status (TPS) be granted for specific additional countries. Many migrants are in the United States seeking refuge from severe humanitarian violence and environmental disasters in their home countries. We must assist them. TPS allows people from nations experiencing challenging circumstances to stay and work legally in the United States. We join the mayors of New York City, Chicago, and many other major cities in our support of both extending TPS status for Honduras, El Salvador, Nicaragua, and Nepal, as

well as the initial designation of TPS for Guatemala, Mali, the Democratic Republic of the Congo, Mauritania, and Nigeria.

As outlined above, we seek your partnership and request that you do the following:

1. Expand the definition of "asylum application" to allow work permit applications from the moment asylum claims are filed;
2. Implement online filing for I-765 work permit applications and fee waivers;
3. Redesignate and extend TPS for Honduras, El Salvador, Nicaragua, and Nepal;
4. Expand the use of parole by granting parole to asylum seekers who entered the United States during the use of Title 42; and
5. Designate TPS for Guatemala, Mali, the Democratic Republic of the Congo, Mauritania, and Nigeria.

The Council of the District of Columbia believes that these changes will help people seeking refuge in our city and our country. We greatly appreciate you considering these requests and look forward to a collaborative effort to better serve our residents and newcomers.

Sincerely,



Robert C. White, Jr.
Councilmember, At-Large
Chair, Committee on Housing
Council of the District of Columbia



Keryan R. McDuffie
Chair Pro-Tempore, At-Large



Anita Bonds
Councilmember, At-Large



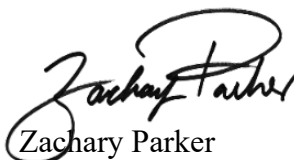
Brianne Nadeau
Councilmember, Ward 1



Vincent Gray
Councilmember, Ward 7



Christina Henderson
Councilmember, At-Large



Zachary Parker
Councilmember, Ward 5



**U.S. Citizenship
and Immigration
Services**

February 23, 2024

The Honorable Robert C. White, Jr.
Council of the District of Columbia
The John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Councilmember White:

Thank you for your December 11, 2023 letter to the Department of Homeland Security (DHS). I am responding on behalf of the Department.

U.S. Citizenship and Immigration Services (USCIS) has taken several steps to increase the efficiency of, and reduce burdens to, the legal immigration system. Noncitizens who have a pending asylum application may request employment authorization. However, under INA 208(d)(2), USCIS may not grant the employment authorization request until 180 days after the noncitizen has filed their asylum application. 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 for noncitizens. To ensure asylum applicants' requests for employment authorization are adjudicated as close to the end of the 180-day waiting period as possible, USCIS regulations under 8 CFR 208.7(a)(1) allow asylum applicants to submit their applications for employment authorization as soon as their 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. As of November 30, 2023, USCIS was completing 92 percent of initial Employment Authorization Document (EAD) applications filed by asylum applicants within 30 days of receipt of a properly filed Form I-765, and 98.6 percent were completed within 60 days.

In your letter, you recommend USCIS implement an online filing option for Form I-765 and fee waivers. Over the previous two years, USCIS has implemented online filing options for Form I-765 to include noncitizens paroled into the United States on urgent humanitarian or significant public benefit grounds, those already present in the United States who receive parole in place, and certain asylum applicants. While we are working toward online filing for Form I-912, Request for Fee Waiver, applicants seeking a waiver¹ of a filing fee must continue to submit Form I-765 by mail for now. The vast majority of fee waivers are processed by our Office of

¹ Please note there is no filing fee for Form I-765 where a noncitizen is seeking an initial EAD based on a pending asylum application, 8 C.F.R. § 274a.12(c)(8). As such, no fee waiver for the initial application would be required.

Intake and Document Production (OIDP), but other offices account for about 5-10 percent of the Agency's fee waiver requests. OIDP makes decisions on fee waiver requests within days, ensuring that the processing of the underlying benefit is not severely delayed due to a fee waiver request. In Fiscal Year 2023 we approved 89 percent of fee waiver requests, and processing time was consistently within 12 calendar days.

Recognizing the importance of work authorization for noncitizens, USCIS recently increased the maximum validity period for both initial and renewal EADs for certain noncitizens to five years—this includes EADs for asylum applicants and for those granted asylum.² This is intended to significantly reduce the number of requests USCIS receives for renewal EADs, which will contribute to a reduction in both processing times and backlogs.

In addition, on September 20, 2023, DHS announced a series of actions to increase border enforcement and accelerate processing for employment authorization applications.³ As a result, USCIS is accelerating the processing of EAD applications filed by individuals granted parole after presenting at a port of entry with an appointment scheduled through the CBP One App. USCIS has decreased the median processing time for these applications from 90 days to 30 days. USCIS has also reduced the median processing time to 30 days for EAD applications filed by individuals granted parole after presenting at a port of entry with advance travel authorization through parole processes for Cubans, Haitians, Nicaraguans, and Venezuelans.

In your letter, you also made recommendations regarding Temporary Protected Status (TPS) designation, redesignation and extension. The Secretary of Homeland Security may designate a country for TPS and extend or terminate a country's existing TPS designation based upon specific statutory criteria. To designate a country for TPS or extend a country's TPS designation, the Secretary must find one or more of the following: (1) there is an ongoing armed conflict within the country that would pose a serious threat to the personal safety of the country's nationals if they were returned; (2) there has been an environmental disaster resulting in a substantial, but temporary, disruption of the living conditions in the area affected, the country is temporarily unable to handle adequately the return of its nationals, and the country has officially requested TPS designation; or (3) there exist extraordinary and temporary conditions in the country that prevent nationals from returning in safety, and the Secretary does not find that permitting the country's nationals to remain temporarily in the United States would be contrary to the national interest of the United States.⁴

You recommended USCIS redesignate and extend TPS for Honduras, El Salvador, Nicaragua, and Nepal. On June 21, 2023, DHS published Federal Register notices announcing the rescission of the 2017 and 2018 terminations of the TPS designations of El Salvador, Honduras, Nepal, and Nicaragua, effective June 9, 2023. DHS extended the designation of El Salvador for 18 months, from September 10, 2023 through March 9, 2025; Honduras for 18

² See <https://www.uscis.gov/newsroom/alerts/uscis-increases-employment-authorization-document-validity-period-for-certain-categories>.

³ Department of Homeland Security, *Fact Sheet: The Biden-Harris Administration Takes New Actions to Increase Border Enforcement and Accelerate Processing for Work Authorizations, While Continuing to Call on Congress to Act*, available at: <https://www.dhs.gov/news/2023/09/20/fact-sheet-biden-harris-administration-takes-new-actions-increase-border>.

⁴ See Immigration and Nationality Act § 244(b)(1).

months, from January 6, 2024 through July 5, 2025; Nepal for 18 months, from December 25, 2023 through June 24, 2025; and Nicaragua for 18 months, from January 6, 2024 through July 5, 2025.

I appreciate your recommendation to redesignate TPS for the above-mentioned countries and to designate TPS for the Democratic Republic of the Congo, Guatemala, Mali, Mauritania, and Nigeria. Please be assured DHS continues to monitor conditions in each of these countries and remains committed to administering its programs, including TPS, in an equitable manner. USCIS also has discretion to apply certain extraordinary measures, and forms of immigration relief upon request,⁵ for eligible individuals in the United States who are affected by emergencies or unforeseen circumstances in their home country. I encourage you to visit <https://www.uscis.gov/humanitarian/special-situations> for more information.

Thank you again for your letter and interest in this important issue. Please share this response with the other individuals who cosigned your letter. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,

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

⁵ Additional information is available at the U.S. Citizenship and Immigration Services website at: <https://www.uscis.gov/humanitarian/special-situations>.