



September 16, 2021

Secretary Alejandro Mayorkas
U.S. Department of Homeland Security
3801 Nebraska Avenue NW
Washington, D.C. 20016

RECEIVED

By ESEC at 1:46 pm, Oct 21, 2021

RE: Automatic Extension of DACA Employment Authorization Documents

Dear Secretary Mayorkas,

We write to you as [Ready to Stay](#), a national coalition working to build field capacities and coordination for effective implementation of a large-scale immigration legalization program. Built by organizations who bring legal, field and organizing expertise, Ready to Stay aims to serve as a value-add to the field by centralizing the creation and curation of legal resources, community education tools, capacity building training and non-duplicative administrative advocacy that will increase coordination and resources for implementation efforts.

On July 28, 2021, we joined NAKASEC and over a hundred other organizations in submitting a letter seeking action by the Department of Homeland Security (DHS) to grant DACA recipients an automatic extension of their work authorization until their renewal applications are reviewed and processed. This would prevent DACA recipients from losing their deferred action, ability to work, and subsequently their livelihoods and health insurance.

The Deferred Action for Childhood Arrivals (DACA) Program was established by President Obama in 2012 to provide young, undocumented immigrants with work authorization and protection from deportation. Since then, DACA recipients have and contributed greatly to the economic and social fabric of the United States. Due to the extensive defunding of immigration services during the Trump administration, the United States Citizenship and Immigration Services (USCIS) has not had the capacity to process DACA renewals in a timely manner. Although DACA recipients have applied well in advance of their expiration dates, many DACA recipients' work permits expired before their renewal was granted. This has impacted DACA recipients like [\[REDACTED\] in California](#) and [many others across the country](#). As a result, these individuals have lost jobs, health insurance, and critical resources that support their families.



Members of Ready to Stay have likewise seen their clients impacted by the slow processing of DACA renewal applications and the resulting loss of employment authorization. With this letter, we share a spreadsheet of clients whose employment authorization documents (EADs) have expired or are in danger of expiring soon.¹ One such client is [REDACTED], who wanted to share her story with you.²

[REDACTED] Story

Hello, my name is [REDACTED] and I'm a DACA recipient. This year my current work visa will expire in September and despite putting in my renewal application in May, I will have to wait post expiration to hear anything. With this, I am not able to work for an unknown amount of time. This impacts my home life in an immense way. Without work I am unable to pay rent, pay for necessities, and simply pay for food. I need to take a leave out of my job in order to remain safe and within the law, and in order to maintain my proper DACA record.

As with all Dreamers, I am an individual who pays her taxes and contributes to the economy, but most importantly I consider the United States my home.

I am currently left in the wind, and with no knowledge or promise of when this will be resolved, I am in danger of losing my job at [REDACTED] Institute of Technology and all I have been working for. An automatic extension on this work card would provide the relief and aid I need to take care of myself and my family.

We urge DHS to grant automatic extension of employment authorization to ensure that DACA recipients like [REDACTED] will be protected, instead of their renewals being processed in a manner that leaves her and the rest of our community members vulnerable to loss of employment and potential deportation.

¹ The attached spreadsheet is one that the National Partnership for New Americans (NPNA) shared with Brian P. Christian and Albert G. Eskalis of USCIS on August 17, 2021. We have highlighted and marked the cases in which we know that renewals have been granted as of September 16, 2021.

² [REDACTED] is a client of the [REDACTED] Immigrant Rights and Advocacy Coalition, which is a member of the NPNA network and the Ready to Stay Administrative Advocacy Working Group.



Please do not hesitate to contact Cristina Velez at cristina@nipnl.org, or Hadi Sedigh at hadi@partnershipfornewamericans.org for further information about the material presented in this letter. Thank you for your consideration.

Sincerely,

Cristina Velez,
Senior Staff Attorney, National Immigration Project of NLG
Co-chair, Administrative Advocacy Working Group
Ready to Stay

Hadi Sedigh,
Policy Director, National Partnership for New Americans
Member, Administrative Advocacy Working Group
Ready to Stay

Name	A#		EAD expiration date	Renewal submission date	Resolved/renewal granted
			9/7/2019	7/9/2021	
			5/22/2020	3/8/2021	
			1/8/2021	5/24/2021	
			2/21/2021	7/23/2021	
			3/7/2021	3/19/2021	
			4/2/2021	3/22/2021	
			4/8/2021	8/2/2021	
			4/22/2021	3/26/2021	
			4/25/2021	4/13/2021	
			5/1/2021	3/4/2021	
			5/5/2021	4/21/2021	
			5/6/2021	5/3/2021	
			5/7/2021	5/12/2021	
			5/7/2021	6/9/2021	
			5/9/2021	4/13/2021	
			5/12/2021	5/14/2021	
			5/12/2021	5/10/2021	
			5/13/2021	4/21/2021	Yes
			5/15/2021	3/8/2021	
			5/19/2021	4/13/2021	
			5/19/2021	4/16/2021	
			5/21/2021	6/1/2021	
			5/22/2021	8/2/2021	
			5/29/2021	7/23/2021	
			6/10/2021	5/3/2021	
			6/10/2021	5/3/2021	
			6/16/2021	5/19/21	Yes
			6/16/2021	7/23/2021	
			6/17/2021	4/9/2021	
			6/20/2021	5/4/2021	

			6/23/2021	3/25/2021	
			6/24/2021	3/4/2021	
			6/27/2021	3/19/2021	
			7/1/2021	6/4/2021	
			7/1/2021	7/2/2021	
			7/7/2021	5/4/2021	
			7/8/2021	6/17/2021	
			7/9/2021	5/14/2021	
			7/9/2021	5/7/2021	
			7/15/2021	5/3/2021	
			7/17/2021	6/23/21	
			7/17/2021	4/13/2021	
			7/17/2021	6/2/2021	
			7/21/2021	5/4/2021	
			7/23/2021	4/12/2021	
			7/23/2021	4/23/2021	
			7/23/2021	7/9/2021	
			7/24/2021	3/25/2021	
			7/24/2021	7/23/2021	
			7/26/2021	7/23/2021	
			7/30/2021	4/5/2021	
			7/30/2021	5/24/2021	
			7/30/2021	6/9/2021	
			7/31/2021	7/30/2021	
			7/31/2021	5/3/2021	
			7/31/2021	5/7/2021	
			7/31/2021	6/11/2021	
			8/4/2021	8/2/2021	
			8/12/2021		
			8/12/2021	5/25/2021	
			8/12/2021	7/30/2021	

[REDACTED]		[REDACTED]	8/15/2021	5/24/2021	
[REDACTED]		[REDACTED]	8/15/2021	7/16/2021	
[REDACTED]		[REDACTED]	8/20/2021	6/28/2021	
[REDACTED]		[REDACTED]	8/26/2021	8/2/2021	
[REDACTED]		[REDACTED]	8/28/2021	7/9/2021	
[REDACTED]		[REDACTED]	8/28/2021	8/2/2021	
[REDACTED]		[REDACTED]	8/29/2021	7/16/2021	
[REDACTED]		[REDACTED]	9/8/2021	7/1/2021	Yes
[REDACTED]		[REDACTED]	9/18/2021	5/24/2021	



U.S. Citizenship
and Immigration
Services

January 10, 2022

Ms. Cristina Velez
Senior Staff Attorney, National Immigration Project of NLG
Co-chair, Administrative Advocacy Working Group
Ready to Stay
cristina@nipnlg.org

Dear Ms. Velez:

Thank you for your September 16, 2021 letter to the Department of Homeland Security (DHS) expressing support for an automatic extension of employment authorization documents for recipients of Deferred Action for Childhood Arrivals (DACA) who have submitted renewal applications. Secretary Mayorkas asked that I respond on his behalf, and I apologize for the delay in responding.

DHS remains focused on safeguarding DACA, and we are currently engaging the public in a rulemaking process to preserve and fortify DACA.¹ Following the completion of the 60-day public comment period on November 29, 2021, DHS is reviewing and carefully considering all properly submitted comments before issuing a final rule.

U.S. Citizenship and Immigration Services (USCIS) is proud of its role in implementing DACA. DACA recipients continue to enrich our nation with their talents, whether it is through entrepreneurship and innovation, public service, arts and education, or building strong families and communities. We appreciate your concern regarding processing times, particularly for those DACA recipients who are seeking to renew their deferred action and Employment Authorization Documents (EADs). We are committed to minimizing processing delays to restore confidence in the immigration system.

As you may be aware, on July 16, 2021, the U.S. District Court for the Southern District of Texas enjoined the DACA policy but temporarily stayed the injunction for DACA renewal requests.² As a result, DHS continues to process DACA renewal requests, advance parole applications, and related employment authorization applications. DHS is committed to minimizing processing times for DACA renewal requests, with a goal of adjudicating requests within 120 days. The median processing time for DACA renewals in Fiscal Year (FY) 2021, including those issued Requests for Evidence and those filed later or before the

¹ See NPRM, *Deferred Action for Childhood Arrivals*, Sept. 28, 2021, available online at <https://www.federalregister.gov/documents/2021/09/28/2021-20898/deferred-action-for-childhood-arrivals>.

² See *State of Texas, et al., v. United States of America, et al.*, 1:18-CV-00068, (S.D. Texas July 16, 2021).

recommended timeframe, was 1.8 months (approximately 54 days).³ The median processing time for DACA renewals for FY 2022 is one month. DACA-related EAD applications are generally adjudicated concurrently with DACA renewal requests.

As stated in the DACA Frequently Asked Questions (FAQs) webpage,⁴ factors that may affect the timely processing of a DACA renewal request, include, but are not limited to:

- Timely filing of renewal requests, 120-150 days before expiration. It is critical that renewal requests are filed within this period to avoid delays in processing or expiration.
- Failure to appear at an Application Support Center for a scheduled biometrics appointment to obtain fingerprints and photographs, if required.
- Issues relating to national security, criminality or public safety discovered during the background check process that require further vetting.
- Issues relating to travel abroad that need additional evidence/clarification.
- Name or date of birth discrepancies that may require additional evidence/clarification.
- Renewal submissions containing evidence that suggests a requestor may not satisfy the DACA renewal guidelines, requiring USCIS to send a request for additional evidence or explanation.

USCIS has achieved a significant reduction in the total number of pending cases after taking several steps to ensure timely adjudication of DACA renewal requests, and we continue to explore additional efficiencies in recognition of the importance of swift adjudications for those who request DACA renewal. For example, USCIS has allowed for the reuse of biometrics from a previous collection, where appropriate, for DACA requestors. Additionally, USCIS has shifted a significant number of adjudicative resources from the initial DACA workload to assist with the processing of DACA renewal requests. USCIS has also developed a strategy to identify and prioritize processing of renewal requests that have expired or will expire within 30 days, when possible, to reduce any lapses in deferred action and employment authorization. For these reasons, we do not believe an automatic extension for DACA-based EADs is necessary at this time.

As stated above, and noted in the form instructions and on the DACA FAQs webpage, USCIS strongly encourages requestors to file their renewal requests within 120-150 days prior to expiration of their current DACA to minimize the possibility their current period of DACA will expire before they receive a decision on their renewal request. This also helps to ensure that USCIS resources are most effectively deployed in processing renewal requests and accompanying EADs to avoid disruption in work authorization for DACA recipients.

³ See Historical National Median Processing Time (in Months) for All USCIS Offices for Select Forms By Fiscal Year, available online at <https://egov.uscis.gov/processing-times/historic-pt> (accessed Dec. 8, 2021).

⁴ See <https://www.uscis.gov/humanitarian/consideration-of-deferred-action-for-childhood-arrivals-daca/frequently-asked-questions>

Thank you again for your letter and interest in this important issue. I appreciate all that you and your partners are doing to educate individuals about DACA policies and procedures. Please share this response with the cosigners listed in your organization's letter. Should you require any additional assistance, please have your staff contact the USCIS Public Engagement Division at public.engagement@uscis.dhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a long horizontal line.

Ur M. Jaddou
Director