



Janet T. Mills
GOVERNOR

STATE OF MAINE
DEPARTMENT OF LABOR
54 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0054

Laura A. Fortman
COMMISSIONER

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Washington, DC 20528

Ms. Ur Mendoza Jaddou
Director, U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, MD 20588

October 25, 2023

Dear Secretary Mayorkas and Director Jaddou:

The State of Maine is requesting a waiver from provisions under the Immigration and Nationality Act (INA) 8 U.S.C 1158 (d)(2) that prohibit an applicant for asylum from being eligible to seek employment in the United States for 180 days after the applicant has filed their initial asylum claim.

This request comes after the Maine State Legislature passed and Governor Janet Mills signed a resolve directing the Maine Department of Labor to seek such a waiver from the U.S. Department of Homeland Security (DHS) and the U.S. Citizenship and Immigration Services (USCIS).¹

As you may be aware, like many states across the nation, Maine has experienced multiple surges of individuals seeking asylum. While Maine is a welcoming state, these surges are straining municipal and State budgets and stretching already too scarce housing resources even thinner.

The State has responded by working in partnership with municipalities, MaineHousing, local nonprofit and development organizations, the State Legislature, and Maine's Congressional Delegation to support Maine towns and cities as they transition immigrants into Maine's communities and workforce. These efforts have included improving reimbursement to municipalities through the General Assistance program; supporting long-term safety and security for immigrants by funding frontline organizations that support people seeking asylum; establishing temporary, transitional, and permanent housing for people seeking asylum; and supporting services provided by government and many non-governmental partners. [Attached](#) you will find a more comprehensive list of the actions the State of Maine has taken.

Federal constraints – namely the restriction on the ability to more immediately work – forces the State and municipalities to confront this tremendous hardship – a hardship that the State believes is not necessary given the strong desire that people seeking asylum have to work and contribute to society.

¹ Resolves 2023, Chapter 14.

Further, with unemployment in Maine at record lows, and with our economic growth among the best in the nation, Maine faces a need for workers across regions, professions, and skill levels, especially in critical sectors such as health care, education, and construction. In fact, Maine is projected to have a total of 750,000 job openings in the decade through 2030.² Attracting new workers is a priority for Maine's economic future, and the State's 10-year Economic Strategy sets a target of attracting 75,000 new workers, from within and outside of Maine, by 2029.

By allowing asylum seekers to work earlier, the State believes that we can begin to address – and mitigate – the financial and other resource-based issues the State and municipalities face while tackling our workforce shortage and fulfilling the dream of asylum seekers to stand on their own and contribute to our society.

This approach is consistent with the goal of the *Asylum Seeker Work Authorization Act of 2023*, legislation sponsored by U.S. Senators Collins and King and Representative Pingree, which would enable asylum seekers to receive work authorization on a faster timetable. The U.S. Chamber of Congress recently endorsed this bill.

Therefore, the State of Maine respectfully requests that the Biden Administration consider identifying laws and/or utilizing Executive action that will allow asylum seekers to work sooner than 180 days. Through that process, the State of Maine hopes that DHS and USCIS can consider approval of this waiver request to provide a tremendous boost to Maine's workforce and economy now and into the future.

In the meantime, the State will continue to evaluate what options it may take to integrate people seeking asylum into our communities and our workforce given existing Federal constraints. The Governor's Office of Policy Innovation and the Future – in response to an Executive Order issued by Governor Mills in August 2023 – is developing a plan to create the Office of New Americans in Maine State Government to undertake better and long-term planning to integrate the arrival of new Americans into Maine.³

Thank you for your consideration of this request.

Respectfully,



Laura A. Fortman
Commissioner of Labor
State of Maine

² Maine Department of Labor (n.d). Employment Outlook to 2030

³ Me. Exec. Order No. 2 FY 23/24 (August 2, 2023).

cc: U.S Senator Susan Collins
U.S Senator Angus S. King
U.S Representative Chellie Pingree
U.S Representative Jared Golden
Ms. Deanne Criswell, FEMA Administrator
Mr. Peter Rogers, MEMA Director



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

January 11, 2024

Laura A. Fortman
Commissioner of Labor
State of Maine
54 State House Station
Augusta, Maine 04333

Dear Commissioner Fortman:

Thank you for your October 25, 2023 letter to the Department of Homeland Security (DHS) requesting a waiver from provisions set forth in section 208(d)(2) of the Immigration and Nationality Act (INA) (8 U.S.C. 1158(d)(2)). I am responding on behalf of DHS.

We recognize the importance of access to employment authorization for newly arrived noncitizens in your communities. As you note in your letter, an asylum applicant is not statutorily eligible for employment authorization until their asylum application has been pending for 180 days. Only Congress can change this statutory requirement and DHS does not have the legal authority to waive this statutorily required waiting period.

U.S. Citizenship and Immigration Services (USCIS) nevertheless continues to look for ways to increase processing efficiencies and lower barriers to access so that individuals, including those with pending asylum applications who are eligible for employment authorization, are able to get employment authorization as soon as possible. For example, USCIS recently increased the maximum available validity period to five years for both initial and renewal Employment Authorization Documents (EADs) for certain noncitizens, including applicants with pending asylum applications and those granted asylum.¹ This measure is intended to significantly reduce the number of requests for renewal EADs, thereby lowering both processing times and backlogs and ensuring that those seeking or granted asylum receive their EADs more expeditiously and do not lose their employment authorization due to processing delays. As of November 30, 2023, USCIS was completing 92 percent of initial EAD applications filed by asylum applicants within 30 days; 98.6 percent were being completed within 60 days.

¹ USCIS Increases Employment Authorization Document Validity Period for Certain Categories (Sept. 27, 2023), available at: <https://www.uscis.gov/newsroom/alerts/uscis-increases-employment-authorization-document-validity-period-for-certain-categories>.

On September 20, 2023, DHS announced a series of actions to accelerate processing for employment authorization applications.² The series of actions announced include ones that directly impact 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 mobile app. USCIS has dedicated additional personnel and streamlined its adjudications process to decrease the median processing time for EAD applications filed by these individuals from 90 to 30 days. USCIS has also worked to reduce the median processing time to 30 days for EAD applications by individuals granted parole under the processes for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV).

Finally, in early September 2023, DHS launched a first-of-its-kind national outreach campaign to ensure certain noncitizens who are eligible to apply for employment authorization but have not done so are aware of their eligibility to apply. Through a series of email and text notifications, USCIS began reaching out to these noncitizens to remind them of their eligibility to apply for employment authorization. This includes notifications sent to noncitizens who were paroled into the United States under the CHNV and Uniting for Ukraine (U4U) process, and noncitizens who were paroled after receiving a CBP One App appointment and presenting at a U.S. port of entry. USCIS also reached out to noncitizens who have a Form I-589, Application for Asylum and for Withholding of Removal, pending with the agency. Since that time, USCIS has sent more than 1.8 million email and text notifications in English, Spanish, Haitian Creole, Ukrainian, and Russian.

Thank you again for your letter and interest in this important issue. 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

² DHS, *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>.