



Congress of the United States
House of Representatives
Washington, DC 20515

May 3, 2022

The Honorable Ur Mendoza Jaddou
Director, U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, NW
Washington D.C. 20001

Dear Director Jaddou,

We write to request U.S. Citizenship and Immigration Services' (USCIS) full and fair consideration of changes to help improve the current backlog, including expediting Employment Authorization Document (EAD) approvals for affirmative asylum seekers and Temporary Protected Status (TPS) recipients, and automatically extending existing EADs for one year.

A significant number of asylum seekers and TPS applicants are immigrants from Venezuela who have fled due to a political and humanitarian crisis under the authoritarian Maduro regime. According to the U.S. Department of Homeland Security (DHS), Venezuela remains the top country of origin granted affirmative asylum, with approximately 20% of all affirmative asylees coming from Venezuela. Venezuelans are also the largest group eligible for TPS, with over 300,000 people eligible as of March 2021. Additionally, DHS's Office of Immigration Statistics (OIS) estimates that if Venezuela were to be redesignated for TPS, about 400,100 people would potentially be eligible.

We are appreciative of DHS issuing a rule to improve and expedite processing of asylum claims made by noncitizens subject to expedited removal. This rule will provide quick relief to asylum applicants receiving a positive credible fear determination. We also ask that you consider devoting resources to approving and expediting affirmative asylum claims. Many affirmative asylum seekers live and work in the United States with EAD's while they wait for their asylum cases to be fully adjudicated. Unfortunately, many affirmative asylum seekers have had their work permits expire while waiting for their EAD renewal applications (Form I-765) to be approved, due to USCIS's current median processing time taking approximately 7.3 months. Comparatively, median processing time for applicants pending an asylum application (Form I-765) in fiscal year 2021 was 3.2 months. The backlog and delayed processing times have forced many EAD's to expire, leaving many of our constituents without jobs, health insurance, driver licenses and homes.

We welcome USCIS' recent announcement stating that EAD applications will be eligible for premium processing services. This action will expedite EAD processing times to approximately 3 months. However, because these new goals are expected to be achieved by the end of fiscal year 2023, we request your full and fair consideration to consider automatically extending existing EAD's for one year calculated from its expiration date. Additionally, we ask that you allow applicants to file their renewal applications once their EAD is within one year of its expiration date to reduce the possibility of gap in employment authorization while they await their EAD to be reauthorized. Thank you for your full and fair consideration of this request, consistent with applicable agency guidelines.

Sincerely,

A handwritten signature in blue ink that reads "Darren Soto".

Darren Soto
Member of Congress



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

May 26, 2022

The Honorable Darren Soto
U.S. House of Representatives
Washington, DC 20515

Dear Representative Soto:

Thank you for your May 3, 2022 letter to U.S. Citizenship and Immigration Services (USCIS) regarding your request to address the current backlog impacting Employment Authorization Documents (EADs). We appreciate your highlighting the particular concerns for Venezuelans seeking asylum and applying for Temporary Protected Status (TPS).

USCIS is committed to administering our programs in a timely and efficient manner, and we are actively engaged in streamlining processes and gaining efficiencies so that we are delivering on our core mission of service and integrity without undue delay. As you are aware, USCIS has faced a number of circumstances over the last few years that have impacted timely and efficient completion of various caseloads. Most recently in 2021, there was a sudden and dramatic increase in initial and renewal filings for Employment Authorization Documents (EADs). As a result, processing times increased to such a level that automatic extension periods for certain renewal applications were no longer sufficient to prevent or mitigate the risk of gaps in employment authorization and/or documentation.

One measure we have taken to address the delay in adjudications and to alleviate the hardships associated with expired employment authorization and/or EADs is to temporarily increase the automatic extension period of EADs for eligible renewal applicants. On May 3, 2022, USCIS announced a Temporary Final Rule that increases the automatic extension period for employment authorization and/or EADs, available to certain EAD renewal applicants, up to 540 days. This increase, which became effective May 4, 2022, will help avoid gaps in employment authorization and/or EADs for noncitizens with pending EAD renewal applications, including asylum and TPS applicants. As we continue to examine all our processes and move forward with responsive and responsible solutions, we welcome your input.

Additionally, USCIS has begun an aggressive hiring effort to offset the attrition of staff experienced during the pandemic. This staffing effort has been bolstered by Congressionally appropriated funding in the amount of \$275 million which will not only fund more than 150 additional staff within the Asylum Division but will provide for more immediate impacts using overtime to increase capacity and technology enhancements to increase efficiency. These

The Honorable Darren Soto

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efforts are directly aimed at reducing backlogs, including in the EAD and Affirmative Asylum caseloads.

Thank you again for your letter and interest in this important issue. 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", followed by a long horizontal flourish.

Ur M. Jaddou
Director