

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
APPROPRIATIONS
COMMERCE
HEALTH, EDUCATION,
LABOR, AND PENSIONS

September 27, 2022

Ur M. Jaddou
Director
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue N.W.
Washington, D.C. 20001

Dear Director Jaddou:

I write to express concern regarding ongoing employment authorization document (EAD) processing backlogs at the U.S. Citizenship and Immigration Services (USCIS) and to urge immediate action to address the adverse effects of these backlogs on Afghan and Ukrainian refugees and the communities in Wisconsin where they now live.

Wisconsin welcomed individuals and families fleeing Afghanistan and Ukraine with the assistance of Wisconsin's six refugee resettlement agencies. These agencies, in partnership with the Wisconsin Department of Children and Families, help connect refugees with the resources they need to acclimate to entirely new surroundings and integrate into their new local communities. While these agencies serve an invaluable role, they rely on the work of USCIS and other federal agencies to connect refugees to the documentation and authorizations necessary to obtain legal work. Afghan and Ukrainian refugees in Wisconsin are facing unacceptably long waits for EADs necessary for them to provide financially for their families and fully integrate in their new communities.¹

As of September 26, USCIS estimates a processing time of 7 months for the I-765 application categories that frequently apply to Afghan and Ukrainian refugees, 4 months longer than its 3-month cycle time goal.² I appreciate the steps that USCIS has taken to reduce processing times, including extending work authorizations for permit renewals and streamlining work authorization processing for Afghan evacuees. Nevertheless, these delays persist and continue to impede Afghan and Ukrainian refugees seeking to contribute to Wisconsin communities. I support Senate Appropriations Committee Chair Leahy's Chairman's mark for FY2023 USCIS funding, which would include an additional \$457 million above the fiscal year 2022 funding level to further reduce processing times. This funding, paired with additional investments and

¹ See, e.g., "We Want to Work": Ukrainians in Dane County Wait Months Amid Massive Work Permit Backlogs, at: <https://www.channel3000.com/we-want-to-work-ukrainians-in-dane-county-wait-months-amid-massive-work-permit-backlogs/>.

² USCIS, Check Case Processing Times (I-765, All other applications for employment authorization, Nebraska Service Center) at: <https://egov.uscis.gov/processing-times/home>; USCIS, Reducing Processing Backlogs – New Cycle Time Goals, at: <https://egov.uscis.gov/processing-times/reducing-processing-backlogs>.

accountability requirements included in the FY2022 funding bill, should position USCIS well to further reduce EAD wait times.

Communities across the state of Wisconsin have banded together to welcome Ukrainian and Afghan refugees fleeing instability and violence. We owe it to these communities, and the refugees they have welcomed, to help these migrants find the work and fill job openings that will help them contribute to and fully integrate into these communities. Thank you for your prompt attention to this matter. Please communicate any additional resources that USCIS needs to help meet its 3-month cycle time goal.

Sincerely,

A handwritten signature in blue ink that reads "Tammy Baldwin". The signature is written in a cursive style with a large initial "T" and "B".

Tammy Baldwin
United States Senator



U.S. Citizenship
and Immigration
Services

October 25, 2022

The Honorable Tammy Baldwin
United States Senate
Washington, DC 20510

Dear Senator Baldwin:

Thank you for your September 27, 2022 letter to the Department of Homeland Security (DHS). Secretary Mayorkas asked that I respond on his behalf.

I recognize and sympathize with the effect of these employment authorization document (EAD) processing delays on the everyday lives of noncitizens in the United States seeking to work to support themselves and their families, as well as the real effect on employers who suffer from interruptions in the workforce. Timely EAD processing, as with immigration benefits processing generally, is of utmost importance to me.

USCIS is committed to eliminating its backlogs through a strategic multi-faceted approach that involves hiring, policy initiatives, gains in operational efficiencies, and work towards a fair and equitable fee structure. In addition to hiring, USCIS is focused on improving the customer experience and workload flexibility through expanding digitization and electronic processing, leveraging systems-based verification processes to allow us to focus officer resources on truly adjudicative tasks and gain operational efficiencies, and leveraging overtime to focus on backlog reduction in critical caseloads.

As it relates to the Afghan and Ukrainian parolees seeking employment authorization, USCIS announced on July 28, 2022, that most individuals paroled into the United States for urgent humanitarian or significant public benefit purposes under INA 212(d)(5) are eligible to seek employment authorization under category (c)(11) and can file Form I-765 online with limited exceptions. By offering the option to file Form I-765 online, USCIS continues to make the process of applying for immigration benefits more efficient, secure, and convenient for more applicants and to increase operational efficiencies for our agency. Whether applications are submitted by mail or electronically, USCIS is committed to employing technological solutions and efficiencies to reduce processing times.

The above improvements, focus on hiring, and the use of overtime to focus on backlog reduction discussed above were possible particularly because of Congressional appropriations in fiscal year 2022. Additionally, as many noncitizens admitted to the U.S. on humanitarian parole avail themselves of fee waivers or exemptions, which might otherwise impact USCIS' fiscal

The Honorable Tammy Baldwin

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health and ability to resource other priorities, Congressional funding has been key to allowing the agency to continue offering fee waivers and exemptions, while operating other programs with little impact. Congressional appropriations for Operation Allies Welcome has made fee exemptions for Afghan parolees possible without harming other important USCIS priorities. USCIS continues to stress the importance of Congressional funding to facilitate humanitarian parolees' access to employment authorization and USCIS' ability to process such requests without delay, as well as to continue responsibly operating our other programs and activities. I thank you for your continued support of such appropriations in FY2023.

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