

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

December 3, 2020

Mr. Kenneth Cuccinelli  
Acting Director  
United States Citizenship and Immigration Services  
111 Massachusetts Avenue NW  
Washington, D.C., United States

Dear Acting Director Cuccinelli,

I write to urge your immediate attention and swift action on an issue that threatens American businesses that employ legal foreign nationals and, in doing so, the continued health of the U.S. economy.

On March 13, the President declared a nationwide emergency for the COVID-19 pandemic. State by state, governors and local elected officials shuttered non-essential businesses and asked residents to “flatten the curve” by exercising social distancing. Many Federal Agencies also followed this practice, including the U.S. Citizenship and Immigration Services (USCIS), which closed all local domestic offices, including asylum offices, field offices, and application support centers, due to COVID-19 contagion risks. Unfortunately, these closures reportedly resulted in a backlog of 75,000 employment authorization documents (EADs) in addition to a backlog of 50,000 Green Cards.

Protecting workers by not having them report in person to their offices during this pandemic is entirely appropriate and acceptable. However, the resulting backlog of vital immigration documentation, specifically EADs and Green Cards, is not. As you know, this documentation is necessary for the continued employment of many of these individuals. EADs specifically must be renewed and presented for reverification to allow foreign nationals to continue working in their current jobs.

Work interruptions caused by USCIS’ backlog unfairly harm both the employee and the employer. In the current environment, employees are not able to start or continue jobs, which puts their families at risk. The American businesses that employ these individuals are also impacted, with continuing projects being slowed or halted by the absence of required personnel.

As such, I respectfully request that USCIS share with Congress the following information:

- What is your plan to reduce this backlog of EADs and Green Cards?
- Does the agency plan to prioritize the immediate printing of this documentation, create an interim card solution, or adopt new and longer “grace periods” based upon timely filing of EAD applications?
- Are there additional barriers or obstacles the agency is facing in reducing the backlog of EADs and Green Cards, and are there additional resources necessary to address the backlog?

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Thank you for your attention to this critical matter and for your continued work during this pandemic. Your swift action on this issue will help alleviate the concerns of our nation's businesses and employees, which are vital to our country and our communities.

Sincerely,

A handwritten signature in black ink, reading "Abigail D. Spanberger". The signature is written in a cursive style with a large, sweeping initial "A".

Abigail D. Spanberger  
MEMBER OF CONGRESS



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

January 6, 2021

The Honorable Abigail D. Spanberger  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Spanberger:

Thank you for your December 3, 2020 letter regarding the backlog of Employment Authorization Documents (EADs) and Permanent Resident Cards. Mr. Cuccinelli has asked me to respond on his behalf. As you may know, EADs go through several processing steps, each of which has been impacted negatively by the current pandemic conditions, changes to the visa bulletin, and other factors.

U.S. Citizenship and Immigration Services (USCIS) has experienced higher receipt volumes due to an increase in filings of applications for adjustment of status (Green Card) primarily driven by the movement of visa availability dates in the October 2020 visa bulletin. Also, USCIS has seen a spike in applications to change status or extend stay for individuals whose work or travel was impacted by the pandemic. Both applications may also generate an application for employment authorization.

Due to the required COVID-19 safety protocols, USCIS has limited ability to address this surge in receipts. Since USCIS field offices and Application Support Centers (ASC) have reopened to the public, the volume of interviews and biometrics appointments has gradually increased but has not yet reached pre-pandemic levels.

In order to make the best use of the limited number of biometric collection appointments available, where possible, USCIS reuses the Fingerprint Identification Numbers and other previously collected biometrics to perform security checks and card production without requiring the applicant to appear at an ASC for biometrics collection. This partially mitigates the limitations that we are experiencing at ASCs due to COVID-19 and helps to prepare these cases for adjudication more quickly. Where the reuse of previously collected biometrics is not possible, USCIS continues to prioritize ASC appointments for those applying for permanent residence, naturalization, work authorization, extensions/changes of stay, and overseas adoption cases.

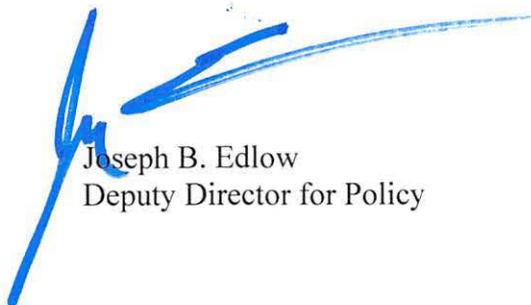
Finally, the Corbin and Lee's Summit Production Facilities are fully staffed and current with the production of Permanent Resident Cards, EADs and Travel Documents. These documents are produced and mailed within 1-2 days after they are sent to the card production queue.

The Honorable Abigail D. Spanberger

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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 blue ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name Joseph B. Edlow.

Joseph B. Edlow  
Deputy Director for Policy