



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

November 2, 2021

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) consider important changes that would help asylum seekers with existing Employment Authorization Documents (EAD) continue working in the United States. Specifically, we ask USCIS increase the automatic extension of Employment Authorization Documents under 8 CFR 274a.13(d) from 180 to 360 days. This extension would provide asylum seekers that have lawful work authorization the ability to maintain their employment and provide USCIS enough time to adjudicate the applicant's EAD renewal application. Additionally, we request that USCIS take all meaningful steps to increase its capacity to process EAD reauthorizations in a more timely manner. The delays experienced by the applicants place a significant amount of pressure on them and their employers.

A significant number of asylum seekers—many of whom are immigrants from Venezuela and Haiti, fleeing political persecution and intense socioeconomic instability—live and work in the United States under EAD's while they wait for their asylum case to be fully adjudicated. Unfortunately, many of their EAD's expire before USCIS can process their renewal application, even after the automatic 180-day extension. Our offices have numerous cases of individuals who have applied for their renewals in a timely manner but have already lost or will lose their jobs because their renewal has not been processed by USCIS. Without an EAD, asylum seekers can neither work nor maintain important identification documents.

We respectfully request that USCIS increase the automatic extension of existing EAD's from 180 to 360 days and take all meaningful steps to increase its capacity to process EAD reauthorizations in a more timely manner. The individuals applying for EAD reauthorizations are in this country legally and are simply trying to support themselves and their families while their asylum case is adjudicated.

Thank you for your time and consideration.



Val Demings
Member of Congress



Charlie Crist
Member of Congress



Frederica Wilson
Member of Congress



Lois Frankel
Member of Congress



Kathy Castor
Member of Congress



Al Lawson
Member of Congress



Debbie Wasserman Shultz
Member of Congress



Stephanie Murphy
Member of Congress



Ted Deutch
Member of Congress



Darren Soto
Member of Congress



U.S. Citizenship
and Immigration
Services

December 10, 2021

The Honorable Val Demings
U.S. House of Representatives
Washington, DC 20515

Dear Representative Demings:

Thank you for your November 2, 2021 letter to the Department of Homeland Security (DHS). Secretary Mayorkas asked that I respond on his behalf.

We appreciate your recommendation that U.S. Citizenship and Immigration Services (USCIS) increase the automatic extension of Employment Authorization Documents (EAD) under 8 CFR 274a.13(d) from 180 to 360 days. Certain categories of EADs may be extended per the automatic extension regulation at 8 CFR 274a.13(d), which specifies a period of 180 days. USCIS also provides the categories of EADs eligible for such an automatic extension on its webpage.¹

We also appreciate your recommendation that USCIS take all meaningful steps to increase its capacity to process EAD reauthorizations in a more timely manner. I have recently appointed a senior level employee to lead an efficiency initiative at USCIS to closely examine all of our operations at USCIS to ensure we are removing bureaucratic obstacles that prevent us from timely processing requests we receive, including requests for EADs.

In addition, we regularly evaluate our resource allocation and ability to process EADs within a reasonable timeframe. USCIS remains sensitive to the needs of asylum seekers and the effects delays have on applicants and their employers. USCIS has also announced plans in the Unified Agenda to issue a notice of proposed rulemaking that would rescind or substantively revise two final rules related to employment authorization for asylum applicants: 85 FR 38532, which modified DHS's regulations governing asylum applications, interviews, and eligibility for employment authorization based on a pending asylum application; and 85 FR 37502, which removed a DHS regulatory provision stating that USCIS has 30 days from the date an asylum applicant files the initial Form I-765, Application for Employment Authorization, to grant or deny that initial employment authorization application.

¹ For additional information see, <https://www.uscis.gov/working-in-the-united-states/information-for-employers-and-employees/automatic-employment-authorization-document-ead-extension>

In addition to rulemaking initiatives, USCIS has been expanding online filing options for Form I-765. While not yet available for those with pending asylum applications, USCIS plans to expand its online filing opportunities in the future for an efficient and secure application process and to respond to applicant needs. We will continue to look for new strategies to address delays.

Thank you again for your letter and interest in this important issue. The cosigners of your letter will receive a separate, identical response. 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 horizontal line.

Ur M. Jaddou
Director