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Congress of the United States  
House of Representatives  
Washington, DC 20515-2211

May 6, 2021

COMMITTEE ON EDUCATION & LABOR  
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UNITED STATES HOUSE SCIENCE  
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Secretary Alejandro Mayorkas  
United States Department of Homeland Security  
301 7<sup>th</sup> Street, SW, Mail Stop 0150  
Washington, DC 20528-0150

**RECEIVED**

By ESEC External at 4:01 pm, May 06, 2021

Dear Secretary Mayorkas:

I am writing to share the concerns of my constituents regarding the ongoing processing delays of your agency's I-539 (*Application to Extend/Change Nonimmigrant Status*) and I-765 (*Application for Employment Authorization*) applications for H-4 visa holders.

As part of a 2015 rule, the United States Department of Homeland Security (DHS) allowed certain H-4 dependent spouses of H-1B holders to legally seek employment in the United States upon an H-1B holder having an approved employment-based petition. This rule plays an important step in allowing H-4 holders to make a significant contribution to their community while their spouse awaits his or her visa to become available and transition into a legal permanent resident.

However, as I-539 and I-765 applications processing times have continued to increase over the last several years at the U.S. Citizenship and Immigration Services' (USCIS) service centers, it has directly resulted in continued disruptions of employment. This not only adversely impacts employees, but also the employers who lose vital technical expertise and face avoidable unpredictability in their workforce. A problem only exacerbated by the COVID-19 pandemic.

As you know, H-4 applicants are prevented from filing for work authorization extensions more than 6 months in advance, with many of the USCIS service centers taking over six months to process these applications. Beyond being a barrier to employee and employer continuity, these applicants also face other humanitarian hardships including disruptions in their health insurance coverage and barriers to transportation. Many H-4 holders are vital caregivers who need the ability to easily transport their children to school and essential medical appointments.

I urge DHS to consider reusing biometric data, when appropriate, to speed up delays in processing as well as to consider allowing 180-day automatic extensions to existing work authorization documents when a renewal application is filed timely. Thank you for your attention to this matter.

Sincerely,



Haley Stevens  
Member of Congress



U.S. Citizenship  
and Immigration  
Services

June 22, 2021

The Honorable Haley Stevens  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Stevens:

Thank you for your May 6, 2021 letter to the Department of Homeland Security (DHS) regarding processing delays for certain applications for H-4 nonimmigrants. Secretary Mayorkas asked that I respond on his behalf.

As you may be aware, in March 2020, U.S. Citizenship and Immigration Services (USCIS) temporarily suspended in-person office services to help slow the spread of COVID-19 and ensure the safety of our staff and communities. Although USCIS offices and Application Support Centers (ASCs) have since reopened to the public, they are not yet operating at full appointment capacity due to necessary COVID-19 health and safety protocols. These temporary closures and capacity limitations led to a substantial volume of cases awaiting biometrics appointments and adjudication. As a result, the processing times related to Form I-539, *Application to Extend/Change Nonimmigrant Status*, and Form I-765, *Application for Employment Authorization*, have increased, which is particularly impacting H-4 nonimmigrants.

USCIS took definitive action to mitigate these customer delays in three ways: 1) we extended operating hours at high-volume ASCs, including the Detroit, MI location; 2) we expanded the reuse of previously submitted biometrics where possible and available; and 3) beginning on May 17, 2021, we suspended, through May 17, 2023, the biometrics submission requirement for certain applicants filing Form I-539, requesting an extension of stay in or change of status to H-4, L-2, and E nonimmigrant status.<sup>1</sup> USCIS will allow adjudications relating to those specific visa categories to proceed based on biographic information and related background checks, without capturing fingerprints and a photograph. USCIS retains discretion on a case-by-case basis to require biometrics from an applicant covered by this temporary suspension.

Suspending biometrics requirements for 24 months for noncitizens filing Form I-539 who seek to extend stay in or change to H-4, L-2, and E nonimmigrant status and meet certain criteria

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<sup>1</sup> For additional information, please see our website at <https://www.uscis.gov/news/alerts/uscis-temporarily-suspends-biometrics-requirement-for-certain-form-i-539-applicants>.

The Honorable Haley Stevens

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will provide sufficient time for USCIS to address the processing delays that were exacerbated by limited ASC capacity due to COVID-19 health and safety protocols.

USCIS will continue to monitor ASC capacity and adjudication processing times for Form I-539 and Form I-765 and may adjust or extend this suspension as circumstances change.

We also will continue to look for efficiencies and plan for the easing of COVID-19 restrictions, which will allow us to increase our processing capacity and further reduce appointment delays.

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 that reads "Tracy L. Renaud". The signature is written in a cursive, flowing style.

Tracy L. Renaud  
Acting Director