

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

June 1, 2021

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
245 Murray Lane, SW
Washington, D.C. 20528

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By ESEC External at 7:59 am, Jun 02, 2021

Dear Secretary Mayorkas,

We are writing to express our concern about the extreme delays that H-4 Employment Authorization Document (EAD) applicants are experiencing when they file for renewals. As you know, applicants may not apply for EAD renewal until 180 days before expiration. However, as of June 1, 2021, current processing times at U.S. Citizenship and Immigration Services (USCIS) service centers for H-4 EAD cases are estimated to take as long as 13 months.

This means that many H-4 EAD renewal applicants are forced to quit their current jobs as they wait for their work authorization renewals. USCIS's delayed processing leads to an abrupt inability to continue working and causes applicants and their families financial and emotional harm. These delays also cause disruptions for their employers, including loss of business income, which negatively affects our local economy.

Our current immigration system is often at odds with our economic needs. In Michigan, we have seen firsthand the value that immigrants bring to our economy, contributing more than \$2 billion in state and local taxes in 2018 alone. Our system should acknowledge the value of that contribution and should continue to facilitate immigration as a major part of our economy. Through common-sense reforms and compromise, we can construct an immigration system that reflects our values, morals, and history, while also ensuring our national security and economic prosperity.

In the past, USCIS was required to issue EADs, or interim EADs, within 90 days to prevent unnecessary loss of employment. In that spirit, we ask you to use your authority to amend two parts of the H-4 EAD renewal process to increase processing efficiency.

First, we request that you include the H-4 EAD, category C26, as being eligible for the 180-day automatic extension that is granted to many other visa categories while processing is ongoing. This automatic renewal is contingent on a renewal application being filed in a timely manner and would allow individuals to maintain their employment as long as they have followed the relevant regulations.

Secondly, we ask that you allow the use of previously submitted biometrics for all I-539 H-4 extension of status applications, when appropriate. This would greatly shorten the case processing time, particularly during the COVID-19 pandemic, when in-person consultations are dangerous.

We must ensure the United States welcomes and fosters immigrants and their families, who are vital to our economy and provide meaningful contributions to our country.

Thank you for your consideration and we look forward to your prompt response.

Sincerely,

A handwritten signature in black ink, appearing to read "Elissa Slotkin".

Elissa Slotkin
Member of Congress

A handwritten signature in blue ink, appearing to read "Haley Stevens".

Haley Stevens
Member of Congress



U.S. Citizenship
and Immigration
Services

August 3, 2021

The Honorable Elissa Slotkin
U.S. House of Representatives
Washington, DC 20515

Dear Representative Slotkin:

Thank you for your June 1, 2021 letter to the Department of Homeland Security regarding employment authorization for H-4 applicants.¹ Secretary Mayorkas asked that I respond on his behalf.

The health and safety of our workforce and communities remains a top priority at U.S. Citizenship and Immigration Services (USCIS). Across all USCIS offices, the agency has taken necessary measures to mitigate the spread of COVID-19. This includes temporarily suspending in-person services for several months in 2020 and taking a phased approach to reopening in order to follow the necessary health and safety protocols in accordance with the Centers for Disease Control and Prevention guidance. Some locations that have been severely impacted by COVID-19 must adhere to stricter local guidelines. These temporary closures and capacity limitations led to an increase in H-4 submissions awaiting biometrics appointments and adjudication.

USCIS has been actively working to address delays related to COVID-19 precautions. We have taken definitive action to mitigate the impact on stakeholders by:

- 1) Extending operating hours at high-volume Application Support Centers, including the Detroit, Michigan location;
- 2) Expanding the reuse of biometrics previously submitted to USCIS, where possible and available; and,
- 3) Suspending the biometrics submission requirement for certain applicants requesting an extension of stay in or change of status to H-4, L-2, and E nonimmigrant status.²

¹ H-4 refers to a nonimmigrant visa category for dependent family members of certain temporary workers.

² Additional information is available on the USCIS website at <https://www.uscis.gov/news/alerts/uscis-temporarily-suspends-biometrics-requirement-for-certain-form-i-539-applicants>. Please note that USCIS retains discretion on a case-by-case basis to require submission of biometrics from an applicant covered by this temporary suspension.

The Honorable Elissa Slotkin

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We appreciate the recommendations that you provided in your letter.³ We are committed to reducing barriers to our legal immigration system and will continue to explore ways to reduce administrative burdens, as well as decrease processing and wait times.

Thank you again for your letter and interest in this important issue. Representative Stevens 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", with a long horizontal flourish extending to the right.

Ur M. Jaddou
Director

³ In 2016, DHS issued a final rule *Retention of EB-1, EB-2, and EB-3 Immigrant Workers and Program Improvements Affecting High-Skilled Nonimmigrant Workers*, which granted automatic extensions of Employment Authorization Documents (EADs) in certain circumstances. The final rule, however, specifically excludes the H-4 category from the 180-day automatic extension.