

discretion until such time as the I-539 is adjudicated and the underlying eligibility for a new EAD is determined, and should be contingent upon verification of the H-1B principle's renewal.

If we bring individuals to the U.S. to do highly skilled work with the promise that their spouses will have the opportunity to start or continue their careers here as well, we owe them and their employers the security that their employment and sources of income will not be interrupted due to delays within the USCIS system. The current delays are causing undue hardship, and I ask that you address this problem with the utmost urgency to ensure more people's lives and livelihoods are not disrupted by USCIS backlogs.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chellie", with a stylized flourish at the end.

Chellie Pingree
Member of Congress



U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Camp Springs, MD 20588-0009

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

January 12, 2022

The Honorable Chellie Pingree
U.S. House of Representatives
Washington, DC 20515

Dear Representative Pingree:

Thank you for your November 17, 2021 letter to the Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS). Secretary Mayorkas asked that I respond on his behalf.

USCIS understands the importance of continuous employment authorization both for individuals and the businesses and organizations that employ them. We are looking at all available options to reduce backlogs and processing times and militate against the potential that applicants may experience gaps in employment authorization while an Employment Authorization Document (EAD) renewal application is pending, including as you noted in your letter our recent announcement automatically extending H-4 associated EADs if the H-4 EAD renewal was properly filed before expiration and the individual has an unexpired Form I-94.¹

Furthermore, although posted processing times have a lag in showing progress, USCIS has significantly reduced processing times for applicants for change of status to or extension of stay in H-4 status, and USCIS has reduced the total number of pending cases from a pandemic high of over 104,000 to approximately 52,000. Likewise, USCIS has reduced pending volumes for the (c)(26) category of Form I-765, Application for Employment Authorization, (H-4 EADs) from a July 2021 high of approximately 50,000 to a December 2021 high of approximately 31,000. This progress has been achieved through policy changes, such as suspending the collection of biometrics for certain Form I-539, Application to Extend/Change Nonimmigrant Status, applicants, including those seeking an extension of stay in or change of status to H-4, as well as dedicating significant agency resources to the processing of EAD applications. In addition, USCIS recently announced new expedite criteria for healthcare workers who have

¹ U.S. Dep't of Homeland Security, U.S. Citizenship and Immigration Services, *Employment Authorization for Certain H-4, E, and L Nonimmigrant Dependent Spouses*, PA-2021-25 (Nov. 12, 2021), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20211112-EmploymentAuthorization.pdf>.

pending EADs that may expire within 30 days, and this would be applicable to any H-4s in the healthcare field.²

While our recent 180-day automatic extension and expedite criteria announcements, along with processing efficiencies, have helped to reduce processing times for H-4 EAD renewal applications and prevent potential gaps in employment authorization, I share your concern over the length of time it is taking to adjudicate employment authorization requests and have made it a priority to implement additional solutions that promote efficiency in our adjudications of these requests while maintaining the integrity and quality of the immigration system.³ We anticipate that streamlining these cases will allow us to further reduce the number of pending employment authorization requests and more efficiently issue EADs to eligible applicants. As a result, over the coming months, our processing times should continue to show measurable progress.

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,



Ur M. Jaddou
Director

² U.S. Dep't of Homeland Security, U.S. Citizenship and Immigration Services, *How to Make an Expedite Request*, (Dec. 28, 2021), <https://www.uscis.gov/forms/filing-guidance/how-to-make-an-expedite-request>

³ For additional information see, U.S. Dep't of Homeland Security, U.S. Citizenship and Immigration Services, *USCIS Extends Flexibilities to Certain Applicants Filing Form I-765 for OPT* (February 26, 2021), <https://www.uscis.gov/newsroom/alerts/uscis-extends-flexibilities-to-certain-applicants-filing-form-i-765-for-opt>; U.S. Dep't of Homeland Security, U.S. Citizenship and Immigration Services, *F-1 Students Seeking Optional Practical Training Can Now File Form I-765 Online* (April 12, 2021), <https://www.uscis.gov/news/news-releases/f-1-students-seeking-optional-practical-training-can-now-file-form-i-765-online>; U.S. Dep't of Homeland Security, U.S. Citizenship and Immigration Services, *Employment Authorization for Certain Adjustment Applicants* (June 9, 2021), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20210609-EmploymentAuthorization.pdf>; U.S. Dep't of Homeland Security, U.S. Citizenship and Immigration Services, *Rescinding Guidance on Discretionary Employment Authorization for Parolees* (Aug. 12, 2021), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20210812-EmploymentAuthorizationForParolees.pdf>; U.S. Dep't of Homeland Security, U.S. Citizenship and Immigration Services, *All Temporary Protected Status (TPS) Applicants May Now File Forms I-821 and I-765 Online* (Nov. 29, 2021), <https://www.uscis.gov/newsroom/alerts/all-temporary-protected-status-tps-applicants-may-now-file-forms-i-821-and-i-765-online>