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

COMMITTEE ON ARMED SERVICES

COMMITTEE ON FOREIGN AFFAIRS

COMMITTEE ON SMALL BUSINESS

January 27, 2023

The Honorable Ur M. Jaddou
Director
United States Citizenship and Immigration Services
20 Massachusetts Avenue, NW
Washington, DC 20529

Director Jaddou,

I am thankful for the recent efforts taken by the United States Citizenship and Immigration Services (USCIS) to address the historic backlogs the agency is facing, as well as the additional steps taken to provide extension relief for those applicants who request a replacement document, such as those requesting to renew their Permanent Resident Cards ¹ and those requesting their Employment Authorization Document renewals. Your agency continues to provide vital services to my constituency, ensuring that pathways to work remain available to those in need.

While we applaud these efforts, I am concerned about issues pertaining to misplaced or missing cards, whether Permanent Resident Cards or Employment Authorization Documents, that are intended to be delivered by the United States Postal Service (USPS). In those instances, applicants are made to re-apply for their documents, and wait for their replacement cards to be processed again. While I understand that the policy manual provides criteria for expediting cases in Volume 1, Part A, Chapter 5 ², the criteria only include circumstances of severe financial loss to a company or person, an emergency and urgent humanitarian situation, a nonprofit organization, U.S. government interest, and/or clear USCIS error. In instances of USPS misplacing or losing a document card, USCIS has denied expedite requests on that basis.

While I understand that current policy states that USCIS is not at fault for the mishandling of mail by another federal agency, I do not believe applicants should be forced to wait for another replacement application to be processed because of USPS error. Refiling a replacement document form creates an unnecessary burden for the applicant, who has already been approved to receive the immigration benefit, and for USCIS, which in turn must keep up with the additional work of processing a new replacement application amidst the current backlogs.

Hence, I urge USCIS to add “a document being misplaced or lost by the USPS” to the policy manual criteria for expediting cases. Additionally, I encourage USCIS to provide applicants delivery options

¹ <https://www.uscis.gov/newsroom/alerts/uscis-extends-green-card-validity-extension-to-24-months-for-green-card-renewals>

² <https://www.uscis.gov/policy-manual/volume-1-part-a-chapter-5>

when filing forms, so documents such as Permanent Resident Cards, Employment Authorization Documents, Travel Documents, Certificates of Citizenship/Naturalization, among others, are delivered to applicants in a timely and secure manner. For instance, the Department of State currently allows U.S. Citizens to choose a 1–2-day delivery option, so they can receive their passports in a more secure and timely manner³.

I appreciate USCIS' continued work to address processing times across the agency. The benefits that USCIS provides are vital for my community and our country. The agency's work helps employers keep staff on payroll and meet labor demands, and individuals in PA-06 receive the appropriate documentation in order to work and provide for themselves and their families. For these reasons, we implore you to update the policy manual with a simple fix to expedite the adjudication of replacement documents lost by USPS so that individuals are not unjustly penalized.

We thank you for your consideration and look forward for your response.

Sincerely,



CHRISSY HOULAHAN

Member of Congress

³ <https://travel.state.gov/content/travel/en/passports/get-fast.html>



U.S. Citizenship
and Immigration
Services

March 1, 2023

The Honorable Chrissy Houlahan
U.S. House of Representatives
Washington, DC 20515

Dear Representative Houlahan:

Thank you for your January 27, 2023 letter to U.S. Citizenship and Immigration Services (USCIS) regarding concerns pertaining to misplaced or missing cards, such as lawful permanent resident (“green cards”) or Employment Authorization Documents (EAD). We are aware that there are instances when the U.S. Postal Service (USPS) is unable to successfully deliver USCIS-issued secure documents. As part of our ongoing evaluation of our programs, we continue to work with the USPS to explore opportunities for improvement in this area.

Regarding the need to refile a form to request a replacement document, USCIS generally does not require individuals to refile a form (or repay a fee) if the reason is non-delivery due to USPS or USCIS errors.¹ Where an EAD is lost in the mail, an applicant may submit a case inquiry online to request resolution set forth provided on our website.² However, per regulations, lawful permanent residents and conditional permanent residents must always file Form I-90 to request a replacement Permanent Resident Card (PRC), even if the reason is due to non-delivery.³ Additionally, permanent residents must also re-pay the filing fee and biometric services fee unless their PRC was returned to USCIS as undeliverable.⁴

USCIS realizes the need for applicants to have their EADs and PRCs in hand in a timely manner and is therefore working hard to ensure replacement requests are reviewed as quickly

¹ See USCIS Policy Manual, Volume 11, Travel and Identity Documents, Part A, Secure Identity Documents Policies and Procedures, Chapter 3, Reissuance of Secure Identity Documents, Section B, Reissuing Non-Deliverable Secure Identity Documents [11 USCIS-PM A.3(B)] available online at <https://www.uscis.gov/policy-manual/volume-11-part-a-chapter-3#S-B>.

² Submit a case inquiry online at <https://egov.uscis.gov/e-request/displayNDCForm.do?sessionId=1A2E1E3018F62232C95D4425CBBD550B?sroPageType=ndc&entryPoint=init>.

³ See 8 CFR 264.5 available online at <https://www.ecfr.gov/current/title-8/chapter-I/subchapter-B/part-264/section-264.5>.

⁴ If the PRC was returned to USCIS as undeliverable, then USCIS considers the PRC as issued but never received, as described in 8 CFR 264.5(b)(7). As explained in 8 CFR 264.5(a), this filing category does not require a fee. If the PRC was mailed to the permanent resident but not received, and not returned to USCIS as undeliverable, then USCIS considers the PRC as lost, stolen, or destroyed, as described in 8 CFR 264.5(b)(1), a filing category which does require a fee. See also the Form I-90 instructions available at <https://www.uscis.gov/sites/default/files/document/forms/i-90instr.pdf>.

and efficiently as possible. Permanent residents may obtain temporary evidence of their status while waiting for their PRC, for example, through an Alien Documentation, Identification and Telecommunication (ADIT) stamp.⁵

Regarding your suggestion to add “a document being misplaced or lost by the USPS” as a criteria for expediting cases, USCIS appreciates the suggestion and will consider it when reviewing current expedite policy for improvement. USCIS also appreciates the suggestion to consider offering applicants delivery options for their secure documents. USCIS has explored and will continue to research and analyze other delivery services as part of our ongoing program evaluation. Finally, USCIS is reviewing current policy and regulation on this matter to determine whether there is a better approach.

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, appearing to read "Ur M. Jaddou", followed by a long horizontal flourish.

Ur M. Jaddou
Director

⁵ Permanent residents may call the USCIS Contact Center to schedule an appointment with a USCIS field office to obtain an ADIT stamp. For more information, see USCIS Policy Manual, Volume 11, Travel and Identity Documents, Part B, Permanent Resident Cards, Chapter 2, Replacement of Permanent Resident Card, Section F, Temporary Evidence of Permanent Resident Status [11 USCIS-PM B.2(F)] available online at <https://www.uscis.gov/policy-manual/volume-11-part-b-chapter-2#S-F>.