



**Congress of the United States**  
**House of Representatives**

January 2, 2023

The Honorable Alejandro Mayorkas  
Secretary of Homeland Security  
c/o Alice Lugo  
Assistant Secretary for Legislative Affairs  
Department of Homeland Security (DHS)  
Office of Legislative Affairs  
301 7th Street SW, Mail Stop 0020  
Washington, DC 20528

**RECEIVED**

**By ESEC at 9:52 am, Jan 03, 2023**

Dear Secretary Mayorkas:

I am writing to seek your needed assistance for artists who are members of Shen Yun Performing Arts and have pending asylum applications with USCIS.

Shen Yun, a non-profit performing arts company based in New York, was established by Falun Gong practitioners in 2006. Its primary mission is to revive the essence of 5,000 years of traditional Chinese culture that the Chinese Communist Party (CCP) has destroyed. Shen Yun features top dancers and musicians who must be uniquely qualified to perform classical Chinese dance and music. Shen Yun has grown to include seven troupes that tour the world every year, sharing the beauty and values of the true China with millions of people from all walks of life. In response to its enormous success and increasing demand, Shen Yun is expanding and needs additional talented artists.

The performing arts is an excellent means of fostering cultural and artistic exchange around the world. Nonetheless, because Shen Yun is banned in China for political reasons, artists from China who perform with Shen Yun have a credible fear of persecution should they return to China. Therefore, they must seek asylum in order to continue to perform with Shen Yun.

Current asylum application cases for performers have been severely delayed. I am informed that they often have to wait for five to seven years, or longer and that cases that have been referred to the immigration courts are estimated to take an additional three to five years for a decision.

Over the past 16 years, Shen Yun artists have served as cultural ambassadors for the United States. Such an extensive wait times to obtain asylum approval, however, makes it impossible for these

Shen Yun performers to travel overseas on their annual tour and significantly affects Shen Yun's operations.

These artists are courageous. In spite of the CCP's constant harassment and threats to themselves and their families, these performers have persevered and remain passionately committed to Shen Yun's mission. Through dance, they tell stories about a virtue-based China that no longer exists and encourage hope for a time when China is once again free of communist control.

The traditional cultural values that Shen Yun presents are what the CCP fears most, as such values stand in direct opposition to the nihilistic ideology of the CCP. In a way, Shen Yun offers an essential strategic value in combating the CCP's ideology, and effectively enhances the culture and social interests of the United States.

Shen Yun artists deserve our support and protection. It is my understanding that their asylum cases satisfy the criteria for expedited consideration. I would appreciate your timely attention to this matter, consistent with all applicable laws and regulations.

Sincerely,



Representative Steve Chabot  
Ranking Member  
House Foreign Affairs Subcommittee on Asia, the Pacific, Central Asia, and Nonproliferation

cc: The Honorable Ur M. Jaddou  
Director  
U.S. Citizenship and Immigration Services



U.S. Citizenship  
and Immigration  
Services

February 21, 2023

The Honorable Steve Chabot  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Chabot:

Thank you for your January 2, 2023 letter to the Department of Homeland Security regarding the delays in processing immigration benefits for the performing artists with Shen Yun Performing Arts. Secretary Mayorkas asked that I respond on his behalf, and I apologize for the delay in my response.

I appreciate your sharing the impact that long processing times for pending Forms I-589, Application for Asylum and for Withholding of Removal, and Forms I-131, Application for Travel Document are having on these performers. I do not intervene in individual cases but have provided your letter to the U.S. Citizenship and Immigration Services (USCIS) Asylum Division for consideration.

I also share your interest in addressing the affirmative asylum backlog. One of my priorities as USCIS Director is to use all available policy and operational improvements to reduce both the number of pending asylum applications and overall processing times.

To that end, USCIS has undertaken several recent efforts to increase capacity to address pending affirmative asylum applications including hiring additional asylum officers. USCIS is deeply appreciative of Congressional support and the \$275 million in appropriated funding included in the Fiscal Year (FY) 2022 Continuing Resolution that provided the USCIS Asylum Division 152 additional positions. With these positions, asylum offices have devoted a consistent level of staffing to the completion of the longest pending affirmative asylum applications, depending on the number of positions received by each office. Initially in FY 2022, this effort was focused on the completion of applications received on or before January 31, 2018.

The President's FY 2023 budget request to Congress included \$256 million to reduce USCIS application and petition backlogs, to support the increased refugee admissions ceiling and to fund asylum processing. Unfortunately, the "Consolidated Appropriations Act, 2023" signed into law did not include funding for asylum processing or backlog reduction. This will affect our efforts to reduce the affirmative asylum backlog. USCIS is examining ways to continue to

## The Honorable Steve Chabot

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dedicate a similar number of staff to reducing the oldest pending asylum applications, while also addressing increasing time-sensitive border screening cases<sup>1</sup> and the expedited process for reviewing asylum applications filed by Afghan nationals paroled under Operation Allies Welcome, as required by law.<sup>2</sup>

As a matter of policy, USCIS may consider, on a case-by-case basis, an urgent request by an asylum applicant to request expedited processing of their case.<sup>3</sup> USCIS considers requests to expedite for emergency or urgent humanitarian reasons. This includes, but is not limited to, applicants whose eligible dependents (spouses or unmarried children under the age of 21) are at risk of harm in the country of claimed persecution, or urgent medical needs. Applicants should submit any urgent interview scheduling requests in writing to the asylum office with jurisdiction over their case, and the asylum office will consider the request.

Regarding Form I-131 processing times, USCIS service centers carefully monitor the Form I-131 workload to identify and adjudicate cases to ensure first in, first out processing of these applications. Processing times vary, but the vast majority of applications are processed within 7-16 months. Those individuals who need to travel immediately but whose Form I-131 is still pending can visit our Emergency Travel webpage for more information<sup>4</sup> on how to request expedited processing of the pending Form I-131. The page also has information on requesting an emergency advance parole appointment in extremely urgent situations. Expedite and emergency advance parole requests are adjudicated on a case-by-case basis. USCIS weighs the urgency and merit of each expedite request and may require additional evidence to support the emergency request.

In addition to humanitarian-based benefits, we also note that there are additional visa classifications that may be relevant to the nature of Shen Yun's work, including but not limited to, an O-1B Arts Visa or a P-1B Entertainment Group Visa. The O-1B Arts Visa is available to an individual or individuals who have sustained national or international acclaim and have achieved distinction in the field of arts. To establish this, the individual must demonstrate they have been nominated for, or have been the recipient of, a significant national or international award or prize or by satisfying at least three (3) of six (6) prescribed criteria. Additionally, the P-1B visa is for eligible individuals who are members of an entertainment group. The group must consist of two (2) or more individuals who perform together and have been internationally recognized as outstanding in a discipline for a sustained and substantial period of time. The P-1B visa has similar requirements as the O-1B Arts visa. Individuals on a P-1B visa cannot perform separate and apart from their group.

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<sup>1</sup> Although there is no statutory or regulatory requirement for completion of the credible fear process within a specified time period, the statute states that an alien subject to the credible fear process "shall be detained" pending a final determination of the claim. 8 U.S.C. § 1225(b)(1)(B)(iii)(IV). Regulations require reasonable fear interviews be completed within 10 days of referral, absent exceptional circumstances. 8 C.F.R. § 208.31(b). Consequently, DHS makes the rapid completion of credible and reasonable fear cases a high priority and assigns a substantial portion of its asylum officers to the expeditious completion of these cases.

<sup>2</sup> See Sections 2502(a) and (c) of the Extending Government Funding and Delivering Emergency Assistance Act (P.L. 117-43). <https://www.uscis.gov/newsroom/alerts/uscis-extends-and-expands-fee-exemptions-and-expedited-processing-for-afghan-nationals> and <https://www.uscis.gov/humanitarian/information-for-afghan-nationals>

<sup>3</sup> <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/affirmative-asylum-interview-scheduling>

<sup>4</sup> <https://www.uscis.gov/greencard/greencardprocesses/traveldocuments/emergencytravel>

Please note if one individual in a performing arts group receives an O-1B Arts or P-1B visa, it does not mean every individual in that group will receive the same visa. Each petition is reviewed on a case-by-case basis and a determination is made on the merits of that particular petition. For more information on these visa classifications, you can review the [O-1 section of the policy manual](#)<sup>5</sup> and the [USCIS website on P-1B visas](#)<sup>6</sup>.

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", with a long horizontal flourish extending to the right.

Ur M. Jaddou  
Director

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<sup>5</sup> <https://www.uscis.gov/policy-manual/volume-2-part-m-chapter-4>

<sup>6</sup> <https://www.uscis.gov/working-in-the-united-states/temporary-workers/p-1b-a-member-of-an-internationally-recognized-entertainment-group>