

Congress of the United States
Washington, DC 20515

November 7th, 2022

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Ave NW
Washington, DC 20016

RECEIVED

By ESEC at 12:19 pm, Nov 08, 2022

Dear Secretary Mayorkas:

We write to you requesting your urgent attention to the pending I-589 asylum and/or I-131 travel document applications at United States Citizenship and Immigration Services (USCIS) for Shen Yun Performing Arts.

We understand that you are familiar with Shen Yun, which features world-class dancers and musicians who must be uniquely qualified to perform classical Chinese dance and music. We have been informed that due to its success and increasing demand, Shen Yun is expanding and needs additional talented artists.

However, as you are also very likely aware, Shen Yun is banned in The People's Republic of China, and performers take a great risk if they return to the PRC, a risk even their families may face. Each artist must seek asylum in the U.S. to perform.

The serious delay in processing and adjudicating Shen Yun asylum application cases, often 5-7 years or longer without any scheduling notice for an interview, requires your immediate attention. Other cases referred to the immigration courts project an additional 3-5 years for a decision. Such an extensive wait to obtain an asylum approval makes it impossible for these performers to travel overseas on their annual tour, affecting the operations of Shen Yun. Additionally, in recent years, serious delays in processing and adjudicating I-131 applications, which can take as long as 1-2 years, means Shen Yun artists still do not have travel documents for the 2023 international tour, with travel commencing December 2022.

With this letter, we again implore you to ensure that our nation's immigration laws are enforced. Courageous and noble artists risk everything to fulfill Shen Yun's mission—telling stories about virtues that were once part of China. They awaken a longing for a China free from communist control. The PRC's campaign to dominate the world includes infiltrating all sectors of western society—science, arts, ideology, business, media/social media, and education.

By providing assistance and support to Shen Yun, and further treating the enforcement of the laws as sacrosanct, you can counter the PRC's infiltration and negative influence in our country, advance America's national interests, and support the Chinese people and the world aspire to a new China: an open, virtuous, peaceful, and free China.

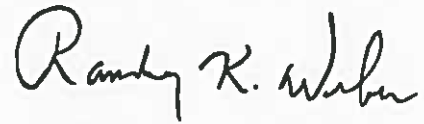
We have been informed that Shen Yun artists' cases meet your agency's criteria for expedited treatment. Please support their asylum and travel document application cases.

Thank you for your time and attention to this urgent issue.

Sincerely,



Louie Gohmert
Member of Congress



Randy K. Weber
Member of Congress



Bill Posey
Member of Congress



Ken Buck
Member of Congress

Cc: The Honorable Ur Mendoza Jaddou, Director of U.S. Citizenship and Immigration Services
Cc: The Honorable Ted H. Kim, Associate Director, Refugee, Asylum and International
Operations Directorate, U.S. Citizenship and Immigration Services
Cc: Texas Service Center
Cc: Nebraska Service Center
Cc: National Benefits Center



U.S. Citizenship
and Immigration
Services

February 22, 2023

The Honorable Louie Gohmert
U.S. House of Representatives
Washington, DC 20515

Dear Representative Gohmert:

Thank you for your November 7, 2022 letter to the Department of Homeland Security inquiring about pending Forms I-589, Application for Asylum and for Withholding of Removal, and Forms I-131, Application for Travel Document, from individuals associated with Shen Yun Performing Arts. Secretary Mayorkas asked that I respond on his behalf, and I apologize for the delay in my response.

Thank you for sharing your concerns regarding the situation of those associated with Shen Yun Performing Arts. I have provided your letter to our Asylum Division for consideration. I also share your interest in addressing the affirmative asylum backlog. One of my priorities as U.S. Citizenship and Immigration Services (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 dedicate a similar number of staff to reducing the oldest pending asylum applications, while also addressing increasing time-sensitive border screening cases¹ and the expedited process for

¹ 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

reviewing asylum applications filed by Afghan nationals paroled under Operation Allies Welcome, as required by law.²

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.³ 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 our Form I-131 processing times, 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 information⁴ 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.

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

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.

² 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>

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

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

petition. For more information on these visa classifications, you can review the [O-1 section of the policy manual](#)⁵ and the [USCIS website on P-1B visas](#)⁶.

Thank you again for your letter and interest in this important issue. The cosigners of your letter 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", followed by a long horizontal flourish.

Ur M. Jaddou
Director

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

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