

ANDY BARR
SIXTH DISTRICT, KENTUCKY
COMMITTEE ON FINANCIAL SERVICES
SUBCOMMITTEE ON
NATIONAL SECURITY, INTERNATIONAL
DEVELOPMENT AND MONETARY POLICY:
RANKING MEMBER
SUBCOMMITTEE ON CONSUMER PROTECTION
AND FINANCIAL INSTITUTIONS
COMMITTEE ON FOREIGN AFFAIRS
SUBCOMMITTEE ON ASIA, THE PACIFIC,
CENTRAL ASIA, AND NON PROLIFERATION



2430 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4706

2709 OLD ROSEBUD ROAD, SUITE 100
LEXINGTON, KY 40509
(859) 219-1366

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

Director Ur Jaddou
20 Massachusetts Ave, NW
Washington, DC 20529

April 4, 2022

Dear Director Jaddou,

I write with great concern regarding the untimely processing and approval of applications for Employment Authorization Documents (EAD) leading to job loss and economic uncertainty for many of my constituents. I receive frequent outreach from apprehensive constituents with requests for assistance to maintain their employment status. These constituents experience extreme levels of stress as a result of these delays as lapses in valid work permits can mean they face immediate economic hardship.

My office has been informed that due to current processing times for I-765s—the appropriate form to submit to apply for an EAD—the individual must re-apply about three months after receiving a valid permit. Further, in some instances, service centers have publicly announced it could take up to 13 months for a work permit to be approved. This is extremely problematic when the permits themselves are only valid for 12 months.

Adding to these concerns, the service centers have relayed to my office that requests to expedite EAD applications on the basis of “economic hardship for the individual or company” would likely not be accepted as there are so many outstanding applications and backlogs of similar cases.

I understand USCIS has a number of important responsibilities, but this backlog is just another example of bureaucratic inefficiency and must be addressed as soon as possible. I urge the agency to work with Congress to alleviate it by:

- extending EADs for those who applied for renewal within the normal processing time;
- returning service centers to normal operations; or
- taking actions to ensure individuals do not suffer adverse consequences—such as job loss—related to the processing delays.

Should you have any questions or concerns please contact Claire Osborn on my staff at Claire.osborn@mail.house.gov or 202-225-4706.

Sincerely,

A handwritten signature in blue ink that reads "Andy Barr". The signature is written in a cursive style with a long horizontal stroke at the end.

Andy Barr
Member of Congress



U.S. Citizenship
and Immigration
Services

April 15, 2022

The Honorable Andy Barr
U.S. House of Representatives
Washington, DC 20515

Dear Representative Barr:

Thank you for your April 4, 2022, letter regarding your concern with the processing times of Form I-765, Application for Employment Authorization.

Promoting efficiency in U.S. Citizenship and Immigration Services (USCIS) adjudications is one of my top priorities. Numerous factors, many of which were exacerbated by the COVID-19 public health emergency's impact on agency finances and operations, led to prolonged processing times for Form I-765. USCIS is aware of the real-life impact of such prolonged processing times and is actively taking steps to reduce the risk that some initial and renewal Form I-765 applicants may experience because of a lapse in employment authorization and/or documentation.

On March 29, 2022, USCIS announced several efforts to increase efficiency and reduce burdens to the legal immigration system. These efforts include a commitment to reducing processing backlogs and establishing new internal cycle time goals, as well as continuing to pursue a temporary final rule that would increase the automatic extension period of employment authorization and associated documentation for certain renewal applicants. USCIS is also realigning resources, improving systems, and making policy updates to reduce backlogs and processing times. Most recently, for example, USCIS increased the maximum validity period from one year to two years for initial and renewal Employment Authorization Documents (EADs) issued to asylees and refugees, noncitizens with withholding of deportation or removal, noncitizens with deferred action (not including Deferred Action for Childhood Arrivals), parolees, and VAWA self-petitioners.¹ Similarly, in June 2021, USCIS increased the maximum validity period for EADs issued to adjustment of status applicants.² These efforts are intended to

¹ See U.S. Dep't of Homeland Security (DHS), USCIS, Policy Alert, *Updating General Guidelines on Maximum Validity Periods for Employment Authorization Documents based on Certain Filing Categories* (Feb. 7, 2022), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20220207-EmploymentAuthorizationValidity.pdf> (last visited Apr. 11, 2022).

² See DHS, USCIS, Policy Alert, *Employment Authorization for Certain Adjustment Applicants* (June 9, 2021), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20210609-EmploymentAuthorization.pdf> (last visited Apr. 11, 2022).

help ease processing backlogs by reducing the number of times applicants must renew their EADs and will help prevent gaps in employment authorization and documentation.

Lastly, regarding requests to expedite, USCIS recently updated its policy guidance to clarify criteria and circumstances that may warrant expediting the adjudication of a benefit request.³ USCIS also created an expedite process specifically for healthcare and childcare workers. These workers can call the USCIS Contact Center at (800) 375-5283 to request expedited processing of their EAD based on their circumstance as a healthcare worker or a childcare worker whose period of authorized employment will expire within 30 days or has already expired.⁴ USCIS carefully weighs the urgency and merit of each request because expediting a request means that USCIS would adjudicate an individual's benefit ahead of others who filed earlier. Not every circumstance that fits under the listed categories or examples in the USCIS Policy Manual or on the USCIS website will necessarily result in expedited processing. USCIS understands the impact of the current Form I-765 backlogs on our customers and is working diligently to address delays in processing.

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

³ See DHS, USCIS, Policy Alert, *USCIS Expedite Criteria and Circumstances* (Jan. 25, 2022), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20220125-ExpediteCriteria.pdf> (last visited Apr. 11, 2022).

⁴ See *How to Make an Expedite Request*, <https://www.uscis.gov/forms/filing-guidance/how-to-make-an-expedite-request> (last visited Apr. 14, 2022).