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Congress of the United States
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February 1, 2022

The Honorable Ur Mendoza Jaddou
Director
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, NW
Washington D.C. 20001

Dear Director Jaddou,

First of all, I would like to thank you for your response to the letter sent to you by the Democratic Florida delegation dated November 2, 2021. I appreciate your office responding in a timely manner to our recommendations. Moreover, I appreciate the steps you have taken to address the concerns raised in the letter. My constituents continue to face significant hardship and these reasonable steps to address issues with processing Employment Authorization Documents (EADs) are a step in the right direction.

In addition to the steps described in your response letter, we appreciate the updated guidance USCIS issued with regards to how USCIS determines whether a case warrant expedited treatment. As mentioned in our original letter, many of our constituents have either lost employment or face the loss of employment because their EAD renewal has not been granted. These delays place significant financial and emotional burdens on the applicants, as well as create a volatile environment for employers who rely on these individuals in their businesses.

One of my constituents—who needs insurance through her employment for her newborn baby—applied for employment authorization in April of 2021 and has yet to receive her EAD. Another constituent—who owns and runs a small business that supports him, his wife, and their child with cerebral palsy—also applied for his renewal in April 2021 and has still not received his new EAD. This individual's application for expedited consideration was denied the day before USCIS' updated guidance regarding expedited treatment. These are just two examples of how the delays at USCIS are having significant impact on the lives of people present in the United States legally who are trying to support themselves and their families.

In light of these ongoing concerns, I respectfully request USCIS evaluate each application for expedited treatment uniformly and in line with the criteria published on January 25, 2022, and provide an answer to the following questions:

1. Please provide a detailed explanation of the guidance that was provided to service centers with regards to the updated criteria published on January 25, 2022 and the steps USCIS is taking to ensure all service centers are evaluating every application or expedite request in a uniform manner that is consistent with the updated criteria.
2. What is the status of the efficiency initiative at USCIS to ensure USCIS is removing bureaucratic obstacles that prevent it from timely processing requests, including EADs?
3. What is the status of USCIS' efforts to expand its online filing opportunities for applicants? Has this process been opened to pending asylum applications? If not, why and will it be in the future?

Thank you for your time and consideration.

A handwritten signature in blue ink that reads "Val Demings". The signature is written in a cursive, flowing style.

Val Demings
Member of Congress



U.S. Citizenship
and Immigration
Services

March 3, 2022

The Honorable Val Demings
U.S. House of Representatives
Washington, DC 20515

Dear Representative Demings:

Thank you for your February 1, 2022 letter regarding processing of Employment Authorization Documents (EADs).

U.S. Citizenship and Immigration Services (USCIS) remains sensitive to the impacts on individuals, families, and businesses when EAD processing delays cause gaps in employment authorization or in evidence of such authorization. We continue to consider every option available both through regulatory and policy initiatives, as well as operational efficiencies to reduce processing delays and mitigate negative impacts for applicants.

As mentioned in response to your correspondence dated November 2, 2021, a senior official recently appointed to lead efficiency efforts is focusing on EAD processing delays and streamlining our processes to allow for swifter decisions. USCIS is starting to see these efforts bear fruit and expects to see significant improvements in processing times for some of our highest volume EAD categories in the coming weeks and months.

On January 30, 2022, USCIS and U.S. Customs and Border Protection also jointly deployed new class of admission codes to distinguish spouses of E and L nonimmigrants from child dependents such that going forward, these spouses can use Form I-94, Arrival/Departure Record, with the new codes as a List C document for Form I-9, Employment Eligibility Verification, purposes and no longer need to rely solely on obtaining an EAD to have sufficient evidence of employment authorization. Additionally, on February 7, 2022, USCIS updated the Policy Manual to increase EAD validity periods for certain categories to reduce the number of applications certain individuals may need to file.

The February 7, 2022 ruling by the United States District Court of the District of Columbia in *AsylumWorks v. Mayorkas*, 20cv-3815 (DDC) vacated the 30-Day Timeline Repeal Rule and Broader Asylum EAD Rule, which has the effect of reverting back to a 180-day waiting period for asylum seekers to be granted discretionary employment authorization rather than the 365-day period that was finalized in the Asylum EAD rule. USCIS continues to consider rulemaking to better serve asylum applicants seeking employment authorization.

Thank you again for your letter and interest in this important issue. We have provided responses to your questions in the attached enclosure. 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

Enclosure

**U.S. Citizenship and Immigration Services' Response to
Representative Val Deming's February 1, 2022 Letter**

- 1. Please provide a detailed explanation of the guidance that was provided to service centers with regards to the updated criteria published on January 25, 2022 and the steps USCIS is taking to ensure all service centers are evaluating every application or expedite request in a uniform manner that is consistent with the updated criteria.**

The updated guidance, published on January 25, 2022, accomplished the following:

- clarified the criteria and circumstances under which USCIS generally considers expedite requests from nonprofit organizations;
- provided additional examples of when we may consider expedite requests made by federal, state, or local agencies, including labor and employment agencies;
- added examples to expedite criteria for emergencies and humanitarian reasons; and
- explained that some circumstances may affect or delay USCIS' ability to expedite a final decision, such as an application or petition that requires an on-site inspection or when we must adjudicate a related benefit request first.

This update was meant to serve as a clarification to the public of existing procedures. As a matter of practice, internal measures and practices are set in place in an effort to ensure consistency and accuracy in the expedite process.

- 2. What is the status of the efficiency initiative at USCIS to ensure USCIS is removing bureaucratic obstacles that prevent it from timely processing requests, including EADs?**

Efforts to improve timely processing and remove operational hurdles are underway. One of the first initiatives has been to identify pending applications that are no longer needed and close them (for example, an EAD application when the individual already adjusted status to lawful permanent resident), thus eliminating the need for an officer to review and allowing other applications to proceed to adjudication more quickly. We are leveraging technology in the I-765 workload to electronically verify eligibility for initial, replacement, and renewal requests. Doing so reduces the adjudicative burden for these cases and allows USCIS to redirect adjudicators to work that requires more intensive review. We are also continuing to reuse biometrics, when possible, to eliminate the requirement for the applicant to return to an Application Support Center and the associated delays. USCIS would be pleased to brief you and/or your staff on the efficiency initiative.

- 3. What is the status of USCIS' efforts to expand its online filing opportunities for applicants? Has this process been opened to pending asylum applications? If not, why and will it be in the future?**

USCIS is actively developing its online filing capability for EADs based on a pending asylum application. USCIS will alert the public of any updates or changes to online filing capability on its website. E-filing capability for the Form I-589, Application for Asylum and Withholding of Removal is currently being piloted and is the most recent

**U.S. Citizenship and Immigration Services' Response to
Representative Val Deming's February 1, 2022 Letter**

form to be added to the catalogue of requests that can be filed online. Importantly, as USCIS deploys online filing, it is also enabling end-to-end electronic processing to more efficiently distribute and process work. USCIS is on an aggressive multi-year path to provide online filing opportunities for most of our applications and petitions. USCIS would be pleased to brief you and/or your staff on this initiative, as well.