

Congress of the United States
Washington, DC 20515

April 13, 2020

The Honorable Chad F. Wolf
Acting Secretary
U.S. Department of Homeland Security
245 Murray Lane, SW
Washington, DC 2052

The Honorable Kenneth T. Cuccinelli
Senior Official Performing Duties of the Director
U.S. Citizenship and Immigration Services
20 Massachusetts Ave, NW
Washington, DC 20001

Dear Acting Secretary Wolf and Senior Official Cuccinelli:

We write to respectfully request that, in response to the COVID-19 crisis, the U.S. Department of Homeland Security (DHS) automatically extend, for the same duration as the previous grant, employment authorization for all immigrants (including Deferred Action for Childhood Arrivals (DACA) recipients and Temporary Protected Status (TPS) holders) whose employment authorization documents (EADs) expire within one year of the date of this letter or 90 days after rescission of the March 13, 2020, presidential proclamation, *Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak*. Responding to COVID-19 requires a nationwide response, and the widespread job losses and vital federal, state, and local measures enacted to combat COVID-19 erected significant barriers for current EAD holders, especially DACA recipients, seeking to renew. Support of DACA recipients during the current pandemic is particularly critical as over 200,000 DACA recipients are in occupations and industry groups that render them "essential critical infrastructure workers" according to DHS guidance.¹

On March 18, 2020, U.S. Citizenship and Immigration Services (USCIS) partially or entirely closed its offices and instituted telework for numerous procedures for many adjudicators.² We commend USCIS for its recent policy announcement that it would reuse existing biometrics and continue to adjudicate EAD applications. However, USCIS' closure of offices, increase in telework for adjudicators, and other COVID-19 related delays will undoubtedly worsen already existing adjudication backlogs, increasing the likelihood that applicants, including DACA recipients, will face work permit expiration before approval.

At least 270 million people in 33 states and the District of Columbia and Puerto Rico are under "stay at home" orders, meaning that immigrants cannot leave their homes to collect supporting documents, print and prepare, and mail their applications.³ Immigrants, including DACA recipients, also face significant obstacles in preparing their renewal requests, particularly in light of the closure of the non-profit legal

¹ Nicole Prchal Svajlenka, "A Demographic Profile of DACA Recipients on the Frontline of the Coronavirus Response," Center for American Progress, April 6, 2020, <https://www.americanprogress.org/issues/immigration/news/2020/04/06/482708/demographic-profile-daca-recipients-frontlines-coronavirus-response/>.

² "USCIS Response to the Coronavirus Disease 2019 (COVID-19)," U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, last reviewed March 20, 2020, <https://www.uscis.gov/about-us/uscis-response-coronavirus-disease-2019-covid-19>.

³ Sarah Mervosh & Denise Lu, *See Which States and Cities Have Told Residents to Stay at Home*, The New York Times (2020), <https://www.nytimes.com/interactive/2020/us/coronavirus-stay-at-home-order.html> (last visited Mar 31, 2020).

organizations and law firms. Immigrants or those with family members impacted by COVID-19 may also not have an opportunity to apply for renewal because of the need to prioritize health care and recovery; or the ability to physically prepare a request due to health ill health. Finally, the worsening economic situation driven by COVID-19, including the loss of jobs and decrease in investments and savings due to stock market volatility, means that immigrants may not have income or savings to pay the filing fee for Form I-765, *Application for Employment Authorization*.

We again commend USCIS for reusing previously submitted biometrics in adjudicating applications for work authorization.⁴ Nevertheless, automatic extensions are still needed because of the barriers identified above, including COVID-19-related exacerbation of adjudication backlogs and delays; financial difficulties to pay filing fees; closure of legal service providers; shelter in place orders; and more. Continued employment authorization will ensure that breadwinners can support their families during this pandemic, afford critically needed medical care, and support our nation in its economic recovery. Extending work authorization to immigrants, including DACA recipients and TPS holders, not only benefits immigrant youth, but our communities, and the nation's continued economic recovery.

Thank you for your attention to this urgent matter. We request a response within 15 days and you may contact Congressional Hispanic Caucus Executive Director Alma Acosta at alma.acosta@mail.house.gov.

Sincerely,

Joaquin Castro
Chair
Congressional Hispanic Caucus

Jerrold Nadler
Chair
Judiciary Committee

Lucille Roybal-Allard
Chair
Subcommittee on Homeland Security
Appropriations

Zoe Lofgren
Chair of Immigration Subcommittee
Judiciary Committee

James P. McGovern
Member of Congress

Jimmy Panetta
Member of Congress

Jesús G. "Chuy" García
Member of Congress

Nydia M. Velázquez
Member of Congress

Mark Pocan
Member of Congress

Eleanor Holmes Norton
Member of Congress

Adriano Espaillat
Member of Congress

Jahana Hayes
Member of Congress

⁴ U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, USCIS to Continue Processing Applications for Employment Authorization Extension Requests Despite Application Support Center Closures (March 30, 2020), <https://www.uscis.gov/news/alerts/uscis-continue-processing-applications-employment-authorization-extension-requests-despite-application-support-center-closures>.

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Anna G. Eshoo
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Ben Ray Luján
Member of Congress



**U.S. Citizenship
and Immigration
Services**

May 19, 2020

The Honorable Joaquin Castro
U.S. House of Representatives
Washington, DC 20515

Dear Representative Castro:

Thank you for your April 13, 2020 letter. The Acting Secretary has asked that I respond on his behalf.

The Department of Homeland Security (DHS) has no greater responsibility than ensuring the safety and security of our country. Responding to the pandemic requires everyone to work within rapidly changing, complex circumstances that create a variety of situations and conditions unique to individuals and communities.

We recognize that there are immigration-related challenges that individuals, employers, and others face as a direct result of the national emergency. We carefully analyze these issues and leverage our resources to effectively address these challenges within our existing authorities. DHS continues to act to protect the American people and our communities and is considering a number of policies and procedures to improve the employment opportunities of U.S. workers during this pandemic.

It is important for us to emphasize that U.S. Citizenship and Immigration Services (USCIS) continues to accept and process petitions and applications for immigration benefits. Our primary goal is to ensure the safety of the public and our employees as the situation evolves. Therefore, we have temporarily suspended routine in-person services at our offices. Importantly, however, our workforce continues to perform mission-essential duties that do not involve face-to-face contact with the public, and we provide emergency services for certain situations.

Our website and outreach efforts provide guidance, resources, and information to the public on the actions and policies we are implementing through these uncertain times. As we announced in our public-facing website, several options are available to nonimmigrants to extend or change their status, and our website provides instructions for applicants and petitioners who have special situations which result in the failure to submit evidence or respond to a notice or request in a timely manner. For policy updates, operational changes, and COVID-19 information, please visit uscis.gov/coronavirus.

Based on action taken before the COVID-19 situation occurred, Temporary Protected Status (TPS) beneficiaries under the designations of El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan remain employment authorized while the termination of those countries'

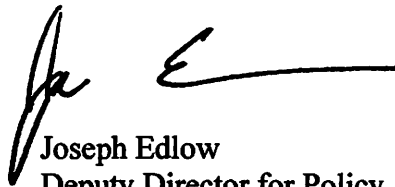
The Honorable Joaquin Castro

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designations are enjoined pending further litigation so long as those beneficiaries remain individually eligible for TPS, and their employment authorization documents were already automatically extended through January 4, 2021. Employment authorization documents for TPS beneficiaries under the remaining TPS countries remain valid through the following dates: November 2, 2020 (South Sudan); March 31, 2021 (Syria); September 3, 2021 (Yemen); and September 17, 2021 (Somalia).

Thank you again for your letter and interest in this important matter. We will consider the recommendations you have put forward. 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 and Intergovernmental Affairs at (202) 272-1940.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ja' followed by a long horizontal stroke.

Joseph Edlow
Deputy Director for Policy