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August 24, 2023

The Honorable Merrick Garland  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

The Honorable Alejandro N. Mayorkas  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr. Avenue, SE  
Washington, DC 20528

Dear Attorney General Garland and Secretary Mayorkas:

We write to urge you to utilize your existing authorities to provide much-needed relief, fairness, and stability to immigrant families. This is an issue of particular interest to many in the Latino community who play a vital role in the fabric of our nation. Today, the Latino community constitutes a significant and growing proportion of the American population, and as organizations that work closely with the community, either directly or as part of larger networks, we are committed to advocating for the rights and well-being of our community members.

The undersigned organizations have long advocated removing the barriers immigrant families face because it is critical to creating a fair and just nation where everyone's contributions are equally valued and appreciated. Given the current challenges of advancing comprehensive immigration reform in this divided Congress, we firmly believe that there are administrative measures that can be taken in the interim to provide essential relief to our community. As you know, [CBC leaders](#), [Latinos Senators](#), [civil rights groups](#), [governors](#), and members of the [business community](#), have all called on the Biden Administration to do more in this area. Today, we join a growing chorus of voices urging you to use all available administrative tools at your disposal to protect the long-residing undocumented immigrants who call America home.

In exploring administrative options, we draw your attention to two specific policy considerations that hold particular importance for many in our communities living in mixed-immigration status households. First, we urge the administration to not only take steps to reduce the significant backlog in the "provisional waiver" program but also to provide those stuck in the queue the opportunity to apply for temporary work authorization. As of July 19, 2023, close to 135,000 individuals have been waiting over 43 months, or approximately 3.6 years, for a decision on their waiver application.<sup>1</sup> Indeed, this backlog *grew* by nearly 7,000 cases in just one reporting quarter. Such lengthy delays – which disproportionately impact those communities we serve – impose uncertainty and unnecessary hardships on applicants and their families, leaving them in a state of limbo and unable to fully protect and support their families due, in part, to the lack of employment authorization. We are also concerned that these delays undermine one of the key goals of this policy: to encourage participation in the family-based petition process.

Second, we support efforts to establish a process to make non-lawful permanent resident cancellation of removal (cancellation of removal) more accessible to those who are eligible, as

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<sup>1</sup> USCIS, Number of Service-wide Forms By Quarter, Form Status, and Processing Time January 1, 2023 - March 31, 2023, [https://www.uscis.gov/sites/default/files/document/data/Quarterly\\_All\\_Forms\\_FY2023\\_Q2.pdf](https://www.uscis.gov/sites/default/files/document/data/Quarterly_All_Forms_FY2023_Q2.pdf) (released in July 2023).

articulated in a recent letter to the administration by Senators Durbin, Cortez-Masto, Padilla, Menendez, and Lujan.<sup>2</sup> We were pleased to learn you are considering it.<sup>3</sup> Such a process would help to streamline cancellation of removal cases and increase access to lawful permanent resident status for eligible immigrants who are vital contributors to their American families and our communities. Paradoxically, the very facts that could make certain long-time undocumented residents strong candidates for relief under cancellation of removal – typically that they are low enforcement priorities – often prevent them from accessing this powerful form of relief which requires that applicants first be in removal proceedings. Such process changes would also help address this significant inequity in our immigration system, resulting in individuals unnecessarily remaining undocumented for longer periods of time.

We firmly believe we are in a critical window of opportunity to act and provide durable protections for long-time Latino residents, including those with DACA and TPS who remain in legal limbo. The urgency of this matter is emphasized in a [recent report](#) by UnidosUS and the Center for Law and Social Policy titled “Still at Risk: The Consequences of Inaction on Administrative Relief.” This report details the urgent need for administrative solutions that provide relief and stability, breaking the cycle of uncertainty, fear, and instability faced by these individuals and their children.

We appreciate your dedication to our communities and urge you to take bold and decisive action to advance fairness and equitable immigration policies that value the contributions of our communities. Your leadership and commitment to addressing these pressing issues will contribute to a more just and equitable immigration system that reflects our values as a nation.

Thank you for your attention to this critical matter. We look forward to continuing our collaboration in pursuit of a better future for all.

Sincerely,

Esperanza United  
GreenLatinos  
Hispanic Association of Colleges and Universities  
Hispanic Federation  
Hispanic National Bar Association  
Hispanics in Philanthropy  
Labor Council for Latin American Advancement  
LatinoJustice PRLDEF

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<sup>2</sup> Senator Catherine Cortez Masto, et. al. “Letter to USCIS and EOIR on Streamlining Cancellation of Removal Procedures.” May 31, 2023. [https://www.cortezmasto.senate.gov/imo/media/doc/cortez\\_masto\\_letter\\_to\\_uscis\\_eoir\\_affirmative\\_cancellation\\_of\\_removal\\_5312023.pdf](https://www.cortezmasto.senate.gov/imo/media/doc/cortez_masto_letter_to_uscis_eoir_affirmative_cancellation_of_removal_5312023.pdf)

<sup>3</sup> USCIS Director Ur M. Jaddou. “Letter in Response to Senators regarding Streamlining Cancellation of Removal Procedure.” July 7, 2023. [https://www.cortezmasto.senate.gov/imo/media/doc/signed\\_response\\_-\\_sen\\_cortez\\_masto\\_7723.pdf](https://www.cortezmasto.senate.gov/imo/media/doc/signed_response_-_sen_cortez_masto_7723.pdf); Lauren Alder Reid, “Letter in Response to Senators regarding Streamlining Cancellation of Removal Procedure.” July 11, 2023. [https://www.cortezmasto.senate.gov/imo/media/doc/response\\_letter\\_from\\_eoir\\_07112023.pdf](https://www.cortezmasto.senate.gov/imo/media/doc/response_letter_from_eoir_07112023.pdf)

MANA, A National Latina Organization  
Mi Familia Vota  
National Association of Hispanic Federal Executives  
National Day Laborer Organizing Network  
National Hispanic Caucus of State Legislators  
National Hispanic Council on Aging  
National Hispanic Foundation for the Arts  
National Hispanic Media Coalition  
National Hispanic Medical Association  
National Latinx Psychological Association  
Mexican American Legal Defense and Educational Fund  
SER-National  
UnidosUS  
United States Hispanic Chamber of Commerce  
United States Hispanic Leadership Institute  
Voto Latino Foundation



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

October 11, 2023

Cris Ramón  
Senior Policy Advisor  
UnidosUS  
1126 16th St NW, Suite 600  
Washington, DC 20036-4845

Dear Mr. Ramón:

Thank you for your August 24, 2023 letter to the Department of Homeland Security (DHS) concerning reduction of barriers for immigrant families, including those in the Latino community. Secretary Mayorkas has asked that I respond on his behalf.

U.S. Citizenship and Immigration Services (USCIS) recognizes that concerted and focused efforts are required to reduce processing times for Form I-601A, Application for Provisional Unlawful Presence Waiver. In furtherance of that focused effort, in March 2023, USCIS announced the opening of the Humanitarian, Adjustment, Removing Conditions and Travel Documents (HART) Service Center.<sup>1</sup> HART is the sixth Service Center within the Service Center Operations Directorate and was created to prioritize and enhance processing of humanitarian applications and petitions. The Form I-601A is one of four form types identified by USCIS for adjudication by the HART Service Center, based on the need to address processing times and reduce the backlog for this form type. By centralizing these humanitarian form types, the HART Service Center is promoting cohesive and consistent adjudications and its dedicated workforce will improve the quality and efficiency of humanitarian caseload processing. Staffing of the HART Service Center is occurring in a phased approach and once completed, the HART Service Center plans to have filled approximately 480 staffing positions (150 reassigned and 330 new positions) by the end of Fiscal Year 2024.

Creation of the HART Service Center and allocation of dedicated staffing resources to the HART Service Center demonstrates USCIS' commitment to improve customer service and processing times for Form I-601A. While completely staffing and operationalizing the HART Service Center will take time and processing times may not decrease immediately, USCIS expects

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<sup>1</sup> "USCIS Opens the Humanitarian, Adjustment, Removing Conditions and Travel Documents (HART) Service Center", available at <https://www.uscis.gov/sites/default/files/document/notices/USCISOpenstheHumanitarianAdjustmentRemovingConditionsandTravelDocumentsHARTServiceCenter.pdf>

based on the resources it is dedicating to this initiative that there will ultimately be a reduction in application processing times.

Regarding your reference to the lack of employment authorization for applicants with pending Form I-601A, DHS regulations at 8 CFR 212.7(e)(2)(ii) expressly prohibit granting employment authorization based on a pending or approved Form I-601A.

With respect to recommendations for joint rulemaking by DHS and the Department of Justice (DOJ) to streamline the cancellation of removal process, please know DHS is considering that recommendation. USCIS also continues to examine existing policy and process options available to noncitizens eligible for cancellation of removal for certain nonpermanent residents who are not in removal proceedings. Thank you again for your letter and interest in this important issue. Please share this response with other organizations that cosigned your letter. Should you require any additional assistance, please do not hesitate to contact Office of Citizenship, Partnership and Engagement at [public.engagement@uscis.dhs.gov](mailto:public.engagement@uscis.dhs.gov).

Sincerely,

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