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By ESEC at 12:57 pm, Aug 07, 2023

August 7, 2023

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
301 7th St, SW
Washington, DC 20528

Dear President Biden and Secretary Mayorkas,

We write to urge the administration to use all the tools available to support communities that are receiving asylum seekers in an efficient and humane way. As you are likely already aware, communities such as the one we represent are working hard to support asylum seekers in a manner befitting our immigrant legacy. However, local governments need more help and additional resources to effectively meet the demands created by this influx of people.

One specific change that we believe the administration should implement as soon as possible is to establish a work requirement for asylum seekers and expedite the issuance of Employment Authorization Documents (EADs) in support of this requirement. Currently, Section 208(d)(2) of the Immigration and Nationality Act (INA) prevents asylum seekers from obtaining work authorization until their asylum application has been pending for at least 180 days. In practice, applicants often need to wait much longer due to lengthy immigration court backlogs and the delays associated with processing an EAD claim.

These delays add further strain on local human services departments and non-profit groups while preventing individuals from supporting their families. Providing EADs on a more expeditious basis would ease these burdens while providing a boost to local and small businesses at a time when our community is in urgent need of workers to fill thousands of job openings.

In light of these considerations, we strongly urge the administration to establish asylee work requirements and use every tool at its disposal to expedite the issuance of Employment Authorization Documents. Thank you for your time and attention to this urgent matter. We look forward to your response.

Sincerely,



Joseph D. Morelle
Member of Congress



Adam J. Bello
Monroe County Executive



U.S. Citizenship
and Immigration
Services

September 21, 2023

The Honorable Joseph D. Morelle
U.S. House of Representatives
Washington, DC 20515

Dear Representative Morelle:

Thank you for your August 7, 2023 letter to the Department of Homeland Security encouraging better access to employment authorization documents (EAD) for asylum seekers in the United States. I am responding on behalf of the Department.

In an effort to make the EAD application process a more efficient, secure, and convenient process that also increases operational efficiencies for U.S. Citizenship and Immigration Services (USCIS), on January 23, 2023, USCIS announced that certain asylum applicants can now file Form I-765, Application for Employment Authorization, online. Currently, initial EAD applicants under the category (c)(8) (*see* 8 C.F.R. § 274a.12(c)(8) (individuals with pending asylum and withholding of removal applications)), benefit from a more expedient EAD adjudication process.

USCIS remains committed to improving processing times and reducing backlogs, which includes hiring and training additional officers to adjudicate employment authorization applications filed by noncitizens with pending requests for asylum. Since these efforts began, USCIS increased the number of EAD adjudications. For example, USCIS adjudicated approximately 93,800 EAD applications filed by asylum applicants in June 2023, which is an increase of over 220 percent from the 29,000 applications adjudicated in June 2022. The majority of these applications (88 percent) were completed within 30 days of filing. At the end of June 2023, approximately 52,000 such EAD applications were pending, of which 86 percent were pending 30 days or fewer. This is despite sharp increases in incoming receipts in the past year. In fiscal year (FY) 2023 through June, USCIS received an average of 63,000 such EAD applications per month, compared to FY 2017-FY 2022 when USCIS averaged 20,000 monthly receipts.

As you noted, Section 208(d)(2) of the Immigration and Nationality Act states that employment authorization shall not be granted to an asylum applicant prior to the expiration of the 180-day period after the date of filing the asylum application. Therefore, only Congress can reduce or eliminate the 180-day EAD eligibility period for asylum applicants. Even though an asylum applicant is not eligible for employment authorization until 180 days have passed, asylum applicants can apply for an EAD based on their pending application 150 days after they

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file their asylum application. We are committed to exploring all available avenues to eliminate unnecessary barriers, restore faith in the immigration system, and improve transparency, efficiency, and customer experience.

Thank you again for your letter and interest in this important issue. Monroe County Executive Adam J. Bello, the cosigner of your letter, will receive a separate, identical response. Should you require any additional assistance, please contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a horizontal line extending to the right.

Ur M. Jaddou
Director