



The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
300 7th St SW
Washington, DC 20528, USA

The Honorable Ur M. Jaddou
Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
5900 Capital Gateway Drive
Camp Springs, MD 20746

March 28, 2023

Re: Cities for Action Leaders Call on DHS to Address the Inefficiencies and Inequities in the Processing of Form I-765, Applications for Employment Authorization

Dear Secretary Mayorkas and Director Jaddou:

The undersigned 50+ Cities for Action mayors and county executives write to ask your assistance to address a critical issue facing many of our cities and localities. We request that the U.S. Department of Homeland Security (DHS) accelerate work permit processing, as well as address the inefficiencies and inequities in the policies and regulations on the processing of and access to employment authorization documents (EADs).

U.S. Citizenship and Immigration Services (USCIS) is facing a significant backlog in processing Form I-765, Application for Employment Authorization (EAD application) for certain categories of applicants. We appreciate the ongoing efforts of USCIS to address backlogs more generally by developing technology and hiring additional staff, including significant reductions to other specific backlog categories. Despite these efforts, the backlogs, and delays in EAD application processing continue to persist.

These delays not only wreak havoc on the lives of asylum seekers, parolees, employers, and their local economies, but also place significant burdens on receiving communities. Our communities have asylum seekers that want to work to support themselves and their families, and at the same time, the employers in our cities face a historic labor shortage. Our cities and municipalities feel these unnecessary delays in EAD adjudication. Addressing the work permit backlog will help get work permits into the hands of asylum seekers as soon as possible while expanding the available workforce within our cities.

The current policy and regulatory structure around adjudicating EADs contribute to this backlog, creating unnecessary delays, inefficiencies, and expenses for USCIS. The following are policy and regulatory actions DHS can and should take in order to shape a more efficient and humane EAD adjudicatory system. These recommendations are informed in part by asylum seekers themselves.

USCIS can implement several of the recommendations immediately to speed up work permit processing, and we do not believe that it is necessary to slow down the processing of any other categories in order to achieve this. Taken as a whole, these recommendations will reduce workload and increase USCIS capacity across all categories. The recommendations are divided into two parts: first, policy actions that USCIS can take immediately; second, regulatory changes that the agency should make to improve the system in the long term.

I. Policy Actions USCIS Should Take Immediately

- Devote sufficient resources to achieve the 30-day mandated processing time for asylum seeker initial EAD applications.
- Shorten Form I-765 Application for Employment Authorization.
- Issue I-589 asylum application receipt notices in a timely manner.
- Issue initial work permits for asylum seekers that have a longer validity period.
- Implement online filing for all categories of I-765 work permit applications and fee waivers.
- Publicly post up-to-date processing times for initial EAD applications based on (c)(8) and (c)(11) applications.
- Automatically re-issue I-765 renewal receipt notices for every applicant eligible for an automatic extension that clearly indicates that their employment authorization has been extended for 540 days, in line with the regulatory extension.
- Lengthen the I-94 work eligibility period for refugee applicants and partner with the State Department to reduce work permit application processing times initiated in START (software system used in refugee processing centers).

II. Regulatory Action USCIS Should Take to Improve the Adjudication of EADs Long Term

- Issue a regulation expanding the definition of “asylum application” to allow applicants to apply for a work permit earlier.
- Issue a regulation eliminating the “Asylum Clock.”
- Expand the category of individuals who are eligible for an auto-extension of their work permits.
- Authorize those granted INA § 241(b)(3) withholding of removal or protection under the Convention Against Torture (CAT) to work immediately, by making these “incident to status” work authorization categories.
- Expand work authorization incident to status for all people granted parole, so that they do not need to wait for USCIS to approve their Form I-765, Application for Employment Authorization, before they can work in the United States.

These immediate policy actions and suggested regulatory actions will improve the adjudication process of Form I-765, Application for Employment Authorization, increasing efficiency every step of the way. Most importantly, these actions will support a humane adjudication process that will contribute to creating stability in the lives of asylum seekers, their families, and their communities. Please contact the Cities for Action Program Manager, Jemimah Cochrane at jcochrane@moia.nyc.gov with any questions or to arrange for stakeholder engagement.

Sincerely,

1. *Mayor Eric Adams, New York, NY*
2. *Mayor Lori E. Lightfoot, Chicago, IL*
3. *Mayor Todd Gloria, San Diego, CA*
4. *Mayor Timothy M. Keller, Albuquerque, NM*
5. *Mayor Esther Manheimer, Asheville, NC*
6. *Mayor Kirk Watson, Austin, TX*
7. *County Executive Johnny Olszewski, Baltimore County, MD*
8. *Mayor Jesse Arreguín, Berkeley, CA*
9. *Mayor Michelle Wu, Boston, MA*
10. *Mayor Aaron Brockett, Boulder, CO*
11. *Mayor Trey Mendez, Brownsville, TX*
12. *Mayor Sumbul Siddiqui, Cambridge, MA*
13. *Mayor Jim Brainard, Carmel, IN*
14. *Mayor Damon Seils, Carrboro, NC*
15. *Mayor Pam Hemminger, Chapel Hill, NC*
16. *Mayor Michael B. Hancock, Denver, CO*
17. *Mayor Elaine M. O'Neal, Durham, NC*
18. *Commissioner Brenda Howerton, Durham County, NC*
19. *Mayor John J. Bauters, Emeryville, CA*
20. *Mayor Joseph V. Schember, Erie, PA*
21. *Mayor Daniel Biss, Evanston, IL*
22. *Mayor Nancy Vaughan, Greensboro, NC*
23. *Mayor Chokwe A. Lumumba, Jackson, MS*
24. *Mayor Indya Kincannon, Knoxville, TN*
25. *Mayor Steve Collier, Lawrence, IN*
26. *Mayor Rex Richardson, Long Beach, CA*
27. *Mayor Karen Bass, Los Angeles, CA*
28. *Mayor Craig Greenberg, Louisville, KY*
29. *Mayor Samson Borgelin, North Lauderdale, FL*
30. *Mayor Alix Desulme, North Miami, FL*
31. *Mayor Sheng Thao, Oakland, CA*
32. *County Executive David Coulter, Oakland County, MI*

33. *Mayor James F. Kenney, Philadelphia, PA*
34. *Mayor Ed Gainey, Pittsburgh, PA*
35. *Mayor Kate Snyder, Portland, ME*
36. *Mayor Brett P. Smiley, Providence, RI*
37. *Mayor Eduardo Martinez, Richmond, CA*
38. *Mayor Levar M. Stoney, Richmond, VA*
39. *Mayor Melvin Carter, Saint Paul, MN*
40. *Mayor Erin Mendenhall, Salt Lake City, UT*
41. *Mayor London N. Breed, City & County of San Francisco, CA*
42. *Mayor Matt Mahan, San Jose, CA*
43. *Mayor Alan Webber, Santa Fe, NM*
44. *Mayor Bruce Harrell, Seattle, WA*
45. *Mayor Jeffrey Slavin, Somerset, MD*
46. *Mayor Katjana Ballantyne, Somerville MA*
47. *Mayor James Mueller, South Bend, IN*
48. *Mayor Katie Rosenberg, Wausau, WI*
49. *Mayor Sepi Shyne, West Hollywood, CA*
50. *Mayor Michael T. Foley, Westbrook, ME*
51. *Supervisor Jim Provenza, Yolo County, CA*

Cc:

CIS Ombudsman, Phyllis Coven

Counselor, Office of the Secretary of DHS, Charanya Krishnaswami

Counselor, Office of the Secretary of DHS, Royce Murray

Senior Advisor, Director of USCIS, Doug Rand

Senior Advisor, Director of USCIS, Avidah Moussavian