

August 7, 2024

The Honorable Neera Tanden
Director
Domestic Policy Council
1650 Pennsylvania Avenue NW
Washington, DC 20504

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

The Honorable Ur Jaddou
Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, MD 20588

Dear Director Tanden, Secretary Mayorkas, and Director Jaddou:

The undersigned 205 national, state, and local organizations urge the Department of Homeland Security's ("DHS") and U.S. Citizenship and Immigration Services ("USCIS") to **take immediate action to issue work authorization to as many qualified applicants as possible before the end of this administration. Issuing work permits now will ensure immigrants are able to power our economy for years to come.**

As of March 2024, [over 1.6 million people](#) had applied for work permits before USCIS. These applicants are both long-standing members of our communities and new neighbors, including individuals eligible for lawful permanent resident status, survivors of gender-based violence, recipients of Deferred Action for Childhood Arrivals (DACA), nationals of countries designated for Temporary Protected Status (TPS), asylum seekers, and many more. While we appreciate the steps that the agency has already taken to reduce processing times for some work permit applications, most await work authorization for months or over a year — compromising their ability to provide food and shelter for themselves and their families, or resulting in loss of employment and health care. Approximately [550,000 spouses and children of U.S. citizens](#) may soon join this growing backlog, undercutting DHS' laudable plan to provide these families long-awaited stability.

USCIS has proven that it can eliminate seemingly insurmountable backlogs, as it did during fiscal year 2023, when it effectively [disposed of the naturalization backlog](#). Building on this tremendous success, the recommendations of the [USCIS Ombudsman](#), and [\\$34,374,000](#) in funding Congress appropriated specifically for work permit processing, **USCIS should make eliminating the longstanding work permit backlog for initial and renewal applications one of its top priorities for the remainder of calendar year 2024.**

We urge USCIS to implement several immediate solutions to (1) eliminate the work permit backlog before January 2025 and (2) expand and codify the auto-extension to at least 730 days. These steps will permit USCIS to alleviate the burden it faces in processing work permits while protecting hundreds of thousands of eligible immigrants' access to the workforce across the United States.

(1) USCIS can and must prioritize improving Form I-765 processing times and eliminating the backlog this calendar year.

Thanks to the funding Congress recently appropriated for USCIS, the agency has the resources to prioritize and eliminate the work permit backlog by increasing capacity among adjudicators, preserving resources in screening renewal applications, and increasing the use of online filing to streamline processing.

First and foremost, USCIS should **prioritize increasing the number of staff working on eliminating the work permit backlog**. Surging resources for work permit processing could include using the appropriated funds to hire contractors, authorize overtime, or request reimbursable detailed staff from other agencies to eliminate USCIS' work permit backlog, in a manner that does not adversely affect the processing time of other benefits. These steps would allow USCIS to channel the funding Congress appropriated to increase the speed in adjudicating Form I-765 for both initial and renewal applications.

Second, USCIS should **streamline review of renewal applications to preserve agency resources**. USCIS is already using technology to process work permit renewal applications faster and conserve its resources for initial applications. But there are changes that could make this process more efficient. For example, the agency should focus on reviewing new information submitted as part of a work permit *renewal* application, rather than information the agency has already reviewed before previously granting a work permit to individuals. We encourage the agency to ensure USCIS officials are not unnecessarily duplicating steps taken during the initial grant when reviewing a work permit renewal application.

USCIS can also simplify the renewal process by either [removing](#) the biometrics requirement for renewals, or “refreshing” biometrics for adult applicants taken during initial applications rather than requiring another appointment. Since 2016, USCIS has recognized that [fingerprint results can be updated](#) so long as there are biometrics previously on file with USCIS or Immigration and Customs Enforcement (ICE). Refreshing biometrics would lead to faster adjudications for long-term community members, such as [DACA recipients](#) and [TPS applicants](#). This would in turn allow DHS to ensure it can comply with its regulatory requirement to adjudicate initial work permit applications more promptly — meeting its regulatory deadline for asylum seekers and the government's promise to issue work permits within 30 days for paroled individuals.

Finally, USCIS should **lean further into streamlined processing, which the [USCIS Ombudsman](#) has found effective at both retaining USCIS employees and increasing efficiency**. Streamlined processing includes expanding e-filing to work permit applications for individuals needing a fee waiver, which would further lessen the burden on the agency. This aligns with [USCIS' own findings](#) and recommendations from [employers](#) who found electronic filing the top factor for efficient adjudications, economic growth, and combatting workforce disruptions.

USCIS has been a leader in the public sector in terms of its use of technology to make the immigration process more accessible. USCIS should expand its efforts to use technology to

expedite and streamline adjudication of clearly eligible work permit application requests, particularly work permit renewal applications. Investments in these technologies result in durable, long-term benefits to the Agency and to applicants who rely on work permits to support themselves and contribute to their communities.

(2) USCIS should expand and codify the auto-extension to ensure that renewal applicants maintain continuous access to employment authorization.

Modifying the renewal process will free up USCIS resources to speed up adjudications of initial applications and avert future backlogs related to work permits. USCIS can take concrete steps to improve the work permit renewal process. These steps include:

- **Extending the automatic extension to 730 days.** Per USCIS’ own assessment, even this auto-extension will not suffice in shielding over 260,000 people eligible for work permit renewals, although a longer, 730-day extension, would ensure no applicant suffers a lapse in employment authorization. In addition to issuing a final regulation that codifies a longer automatic extension, USCIS should increase the extension period to 730 days for all applicants eligible for an automatic extension.
- **Codifying the automatic extension for renewal applications.** Labor [unions](#), [employers](#), [state and local governments](#), the [United Nations High Commissioner for Refugees \(UNHCR\)](#), and nonprofit organizations¹ overwhelmingly welcomed USCIS’s temporary final rule increasing the automatic extension period for many work permit renewal applicants, which reduces some of the severe harms caused by processing delays. Those same stakeholders support [finalizing the automatic extension](#) for renewal applications, rather than having the temporary final rule sunset on October 15, 2025. We again urge USCIS to adopt this recommendation in order to prevent unnecessary lapses in work authorization that harm workers, their families, their employers, and their communities.
- **Applying automatic extension to all renewal applicants.** Currently, individuals who fail to apply for the renewal of their work permit before its expiration date do not benefit from the automatic extension. Those individuals are no less eligible for work authorization, but often miss the renewal deadline due to circumstances beyond their control, such as health and family crises, lack of access to legal services, or the financial strain of the renewal fee. [Elected officials](#), [employers](#), [labor unions](#), and [nonprofits](#) have expressed particular concern that applicants not covered by the automatic extension are at risk of losing their work permits due to USCIS’s delays in processing work permit renewal applications. USCIS should thus expand the automatic extension to include all individuals who applied to renew their work permits after their expiration date.

¹ See, e.g., Asian Pacific Institute on Gender-Based Violence, Comment at 4 (June 6, 2024), <https://www.regulations.gov/comment/USCIS-2024-0002-0128>; Asylum Seeker Advocacy Project (“ASAP”), Comment at 5-12 (June 7, 2024), <https://www.regulations.gov/comment/USCIS-2024-0002-0142>; Catholic Charities USA, Comment at 2-3 (June 7, 2024), <https://www.regulations.gov/comment/USCIS-2024-0002-0131>; Kids in Need of Defense, Comment at 4-5 (June 5, 2024), <https://www.regulations.gov/comment/USCIS-2024-0002-0113>; MALDEF, Comment at 3-5 (June 7, 2024), <https://www.regulations.gov/comment/USCIS-2024-0002-0147>; NIPNLG, Comment at 2-6 (June 4, 2024), <https://www.regulations.gov/comment/USCIS-2024-0002-0105>; Women’s Refugee Commission, Comment at 5-7 (June 7, 2024), <https://www.regulations.gov/comment/USCIS-2024-0002-0122>.

In sum, there are concrete and immediate actions USCIS should take to benefit immigrant workers, their communities, and the workplace. USCIS can and must eliminate the work permit backlog by adding staff to adjudications thanks to appropriated congressional funding, eliminate duplicative processes for biometrics of renewal applicants, and expand e-filing and streamlined processing. USCIS should further build on its successful temporary final rule by extending the length of the automatic extension so there is no lapse in employment, codifying the automatic extension, and expanding these auto-extensions to all applicants for renewal.

The next five months will prove pivotal for undocumented spouses and children of U.S. citizens, TPS applicants, DACA recipients, asylum seekers, and individuals eligible for lawful permanent resident status who are applying for work authorization. We urge USCIS to leverage its appropriated funding, resources, and the recommendations of its stakeholders to address the work permit backlog this calendar year to ensure that as many eligible applicants are able to receive work authorization.

Respectfully,

National

#WelcomeWithDignity

Acacia Center for Justice

Americans for Immigrant Justice

Amica Center for Immigrant Rights (formerly CAIR Coalition)

The Advocates for Human Rights

AFL-CIO

Afghans For a Better Tomorrow

African Communities Together (ACT)

African Human Rights Coalition

Alianza Americas

American Civil Liberties Union

American Immigration Council

American Immigration Lawyers Association (AILA)

Amnesty International USA

Asian Americans Advancing Justice | AAJC

Asian Law Caucus

Asian Pacific Institute on Gender-Based Violence

ASISTA Immigration Assistance

Asylum Seeker Advocacy Project (ASAP)

Belarus Freedom Forum

Borderlands Resource Initiative

Cameroon Advocacy Network

CASA, Inc.

Center for Gender & Refugee Studies

Centro de los Derechos del Migrante
Church World Service
Coalition on Human Needs
Columbia Law School Immigrants' Rights Clinic
Comunidad Maya Pixan Ixim (CMPI)
Communities United for Status & Protection (CUSP)
Friends Committee on National Legislation
FWD.us
Global Refuge (Formerly Lutheran Immigration and Refugee Service)
Haitian Bridge Alliance
HIAS
Hispanic Federation
Human Rights Campaign
Human Rights First
Immigrant Legal Resource Center
Immigrants Act Now
Immigration Equality
Immigration Hub
ImmSchools
International Refugee Assistance Project (IRAP)
International Rescue Committee
Justice Action Center
Justice in Motion
Kids in Need of Defense (KIND)
Labor Council for Latin American Advancement (LCLAA)
Maryknoll Office for Global Concerns
MomsRising/MamásConPoder
NAKASEC
National Coalition for Latinxs with Disabilities (CNLD)
National Day Laborer Organizing Network (NDLON)
National Domestic Workers Alliance
National Employment Law Project
National Farm Worker Ministry
National Immigrant Justice Center
National Immigration Forum
National Immigration Law Center
National Immigration Litigation Alliance
National Immigration Project
National Network for Immigrant and Refugee Rights (NNIRR)
National Partnership for New Americans

NETWORK Lobby for Catholic Social Justice
Presidents' Alliance on Higher Education and Immigration
Quixote Center
Refugee Advocacy Lab
Refugee Congress
Refugees International
Service Employees International Union (SEIU)
Social Workers for Immigration Justice
Tahirih Justice Center
TPS-DED AAC
UFW Foundation
UndocuBlack Network
UnidosUS
United Farm Workers
United We Dream
Unitarian Universalist Service Committee
Unitarian Universalists for Social Justice
U.S. Committee for Refugees and Immigrants (USCRI)
U.S. Federation of the Sisters of St. Joseph
USAHello
We Are All America (WAAA)
Welcoming America
Witness at the Border
Women's Refugee Commission
World Relief
Young Center for Immigrant Children's Rights

State/Local

19th Ward Mutual Aid
Abri Lumiere
Afrikana
Aliento Education Fund
Arizona Asian American Native Hawaiian Pacific Islander for Equity
Asian Law Alliance
AsylumWorks
AVAN Immigrant Services
Ayuda
Biddeford Adult Education
Black Owned Maine
Brooklyn Immigrant Community Support

Building One Community - The Center for Immigrant Opportunity
California Immigrant Policy Center
Canal Alliance
CAPI USA
Casa Central Social Services Corporation
La Casa Norte
Catholic Migration Services
Center for Family Representation
Central American Resource Center
Central American Resource Center (CARECEN-LA)
Centro de Información
Centro del Inmigrante, Inc.
La Raza Centro Legal
CHILDREN AT RISK
Chinese American Service League
City of Chicago Committee on Immigrant and Refugee Rights
Coalition for Immigrant Mental Health
Coalition to Abolish Slavery and Trafficking
Community Refugee & Immigration Services
Cornell Law School Asylum Appeals Clinic
Ecumenical Ministries of Oregon
Enlace Chicago
Erie Neighborhood House
Espacio Migrante
Esperanza Immigrant Rights Project
Estrella del Paso (Formerly Diocesan Migrant and Refugee Services Inc)
The Faith Community Initiative
Federacion de Clubes Michoacanos en Illinois / Casa Michoacán
Fellowship Southwest
Florence Immigrant & Refugee Rights Project
Furniture Friends
Global Cleveland
Greater Chicago Food Depository
Hope Acts
Hope Border Institute
Houston Immigration Legal Services Collaborative
Human Rights Initiative of North Texas
Illinois Coalition for Immigrant and Refugee Rights
Illinois Migrant Council
Illinois Venezuelan Alliance

Immigrant Defenders Law Center
Immigrant Legal Defense
Immigrants Rights Clinic
Immigrant Legal Advocacy Project
Immigration Center for Women and Children
Immigration Institute of the Bay Area
The Immigration Project
Inland Coalition for Immigrant Justice
Instituto del Progreso Latino
Interfaith Movement for Human Integrity
Just Neighbors
Justice at Work Pennsylvania
Karen Organization of San Diego
Kino Border Initiative
Kleiman International Consultants
Las Americas Immigrant Advocacy Center
Latin American Coalition
Latino Policy Forum
Lincoln Park Presbyterian Church
The Legal Aid Society (NYC)
LULAC-IL Council #5296
Make the Road New York
Maine Access Immigrant Network
Maine Center for Economic Policy
Maine Immigrants Rights Coalition
Maine People's Alliance
Marjorie Kovler Center, Heartland Alliance International
Massachusetts Immigrant and Refugee Advocacy Coalition
Metropolitan Family Services
Metropolitan Peace Initiatives
Midcoast Literacy
Mid-Coast New Mainers Group
Mobile Migrant Health Team
Mobile Pathways
New International Hope for Refugee Immigrant
New Jersey Alliance for Immigrant Justice
New Life Centers of Chicagoland, NFP
Nikkei Progressives
Northwest Center
Oasis Legal Services

Ohio Immigrant Alliance
OneAmerica
Pangea Legal Services
Phoenix Legal Action Network (PLAN)
Rocky Mountain Immigrant Advocacy Network
Safe Harbors / Christ Ministry Center
Safe Passage Project
San Diego Immigrant Rights Consortium (SDIRC)
Sanctuary for Families
Sanctuary Working Group, Chicago
Sin Fronteras Nuevo Mexico
South Bay People Power
Southern California Immigration Project
Survivors of Torture, International
Tennessee Justice for Our Neighbors
Texas Immigration Law Council
Union Latina de Chicago
United African Organization
Unified U.S. Deported Veterans Resource Center
Venezuelans and Immigrants Aid (VIA)
VOA Northern New England
Walls Turned Sideways
Win

CC: Nathan Stiefel, Acting Citizenship and Immigration Services Ombudsman