

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>.

Linda T. Sánchez
Member of Congress

J. Luis Correa
Member of Congress

Judy Chu
Member of Congress

Barbara Lee
Member of Congress

Jan Schakowsky
Member of Congress

Jackie Speier
Member of Congress

Marcy Kaptur
Member of Congress

Carolyn B. Maloney
Member of Congress

Ruben Gallego
Member of Congress

Emanuel Cleaver, II
Member of Congress

Gwen Moore
Member of Congress

Mike Doyle
Member of Congress

Lloyd Doggett
Member of Congress

Jamie Raskin
Member of Congress

Scott H. Peters
Member of Congress

Raúl M. Grijalva
Member of Congress

Veronica Escobar
Member of Congress

Tony Cárdenas
Member of Congress

Earl Blumenauer
Member of Congress

Debbie Wasserman Schultz
Member of Congress

Grace F. Napolitano
Member of Congress

Al Green
Member of Congress

Yvette D. Clarke
Member of Congress

Joe Neguse
Member of Congress

Ayanna Pressley
Member of Congress

Gerald E. Connolly
Member of Congress

Sylvia R. Garcia
Member of Congress

Alexandria Ocasio-Cortez
Member of Congress

Gregorio Kilili Camacho Sablan
Member of Congress

Albio Sires
Member of Congress

Chellie Pingree
Member of Congress

Vicente Gonzalez
Member of Congress

Ami Bera, M.D.
Member of Congress

Nanette Diaz Barragán
Member of Congress

Sean Casten
Member of Congress

Michael F.Q. San Nicolas
Member of Congress

Dina Titus
Member of Congress

Doris Matsui
Member of Congress

Peter Welch
Member of Congress

Lori Trahan
Member of Congress

Darren Soto
Member of Congress

Seth W. Moulton
Member of Congress

Frederica S. Wilson
Member of Congress

Suzanne Bonamici
Member of Congress

Anthony G. Brown
Member of Congress

Joseph P. Kennedy,III
Member of Congress

Bonnie Watson Coleman
Member of Congress

Jared Huffman
Member of Congress

Jerry McNerney
Member of Congress

Karen Bass
Member of Congress

José E. Serrano
Member of Congress

André Carson
Member of Congress

Frank Pallone, Jr.
Member of Congress

Diana DeGette
Member of Congress

Jason Crow
Member of Congress

Norma J. Torres
Member of Congress

Rosa L. DeLauro
Member of Congress

John B. Larson
Member of Congress

John Lewis
Member of Congress

Ro Khanna
Member of Congress

Brian Higgins
Member of Congress

Mike Thompson
Member of Congress

Donald S. Beyer Jr.
Member of Congress

Susan A. Davis
Member of Congress

Suzan K. DelBene
Member of Congress

Donna E. Shalala
Member of Congress

Danny K. Davis
Member of Congress

Julia Brownley
Member of Congress

Juan Vargas
Member of Congress

Bobby L. Rush
Member of Congress

Derek Kilmer
Member of Congress

Filemon Vela
Member of Congress

Jennifer Wexton
Member of Congress

Raja Krishnamoorthi
Member of Congress

Thomas R. Suozzi
Member of Congress

Adam Smith
Member of Congress

Betty McCollum
Member of Congress

Alma S. Adams, Ph.D.
Member of Congress

Greg Stanton
Member of Congress

David N. Cicilline
Member of Congress

Jimmy Gomez
Member of Congress

Gilbert R. Cisneros Jr.
Member of Congress

Rashida Tlaib
Member of Congress

Pramila Jayapal
Member of Congress

Ann Kirkpatrick
Member of Congress

Ilhan Omar
Member of Congress

Debbie Mucarsel-Powell
Member of Congress

Anna G. Eshoo
Member of Congress

Ben Ray Luján
Member of Congress