

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration  
Services  
*Office of the Director*  
Camp Springs, MD 20588-0009



U.S. Citizenship  
and Immigration  
Services

May 12, 2023

Jemimah Cochrane  
Action Program Manager  
Cities for Action  
[jcochrane@moia.nyc.gov](mailto:jcochrane@moia.nyc.gov)

Dear Ms. Cochrane:

Thank you for your March 28, 2023 letter to the Department of Homeland Security regarding employment authorization and Employment Authorization Documents (EADs). I am responding on behalf of the Department.

We appreciate the immediate policy actions and long-term regulatory actions that you suggested in your letter and are pleased to report that several of your suggestions are currently being implemented. In December 2022, USCIS released the "[Fiscal Year 2022 Progress Report](#)," which details USCIS actions in a variety of areas, including steps we are taking that related to your specific recommendations. The report notes that in Fiscal Year 2023, USCIS is committed to simplifying several major forms, including Form I-765, Application for Employment Authorization. This report also details our efforts to restore and extend work authorization and reduce EAD wait times.

In terms of devoting resources to EAD processing, USCIS has allocated funds for overtime work to reduce backlogs and processing times and we are focused on hiring staff to fill all available positions to ensure our workforce can meet its humanitarian mission. We are also coordinating with our interagency colleagues to support the White House's commitment to fulfill America's promise to refugees,<sup>1</sup> including providing EADs in a timely manner.

USCIS has also taken actions consistent with the immediate policy actions you suggested regarding online filing for work permits and timely issuing of asylum receipt notices. On January 23, 2023, USCIS [announced](#) that certain asylum applicants can now file Form I-765 online. This online filing option is available to applicants for employment authorization under category (c)(8), Pending Asylum and Withholding of Removal Applicants, and applicants for pending asylum under the ABC Settlement Agreement. This online filing option fosters a more efficient, secure,

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<sup>1</sup> See <https://www.whitehouse.gov/omb/briefing-room/2023/03/09/fact-sheet-president-bidens-budget-strengthens-border-security-enhances-legal-pathways-and-provides-resources-to-enforce-our-immigration-laws/>.

and convenient process for applicants while increasing operational efficiencies for USCIS. Previously, on July 28, 2022, USCIS [announced](#)<sup>2</sup> that certain parolees can file Form I-765 online, and the agency continues to explore online filing for additional Form I-765 categories. Also, since November 2022, USCIS has offered online filing for certain affirmative Form I-589, Application for Asylum and for Withholding of Removal. For those applicants that are required or choose to submit paper filings of Form I-589, we are currently in the process of changing the filing location from USCIS Service Centers to USCIS Lockbox facilities. These changes will improve the efficiency of intake and help ensure that asylum applicants receive timely proof of the submission of their Form I-589.

Additionally, USCIS is issuing receipt notices containing language about the up to 540-day automatic employment authorization and/or EAD extension available for certain applicants. Some populations of these applicants did not receive a receipt notice with this language, so USCIS is providing corrected notices both electronically and by mail. USCIS agrees that transparency regarding processing times is important, and we are working to provide this data on our website as soon as possible for I-765 (c)(8) and (c)(11) applications.

In addition to considering many options, including implementing new policy and technological innovations for (c)(8)-based EADs, we are working diligently to ensure that defensive asylum applicants filing with EOIR, and affirmative asylum filing applicants with USCIS, have accurate Asylum EAD Clock calculations. More broadly, we remain committed to adjudicating I-765 (c)(8) applications timely and have devoted significant resources to this ever-increasing workload, which is currently exceeding 75,000 new applications per month, a 250% increase compared to Fiscal Year 2022 levels.

USCIS will continue to evaluate several policy and regulatory options to reduce backlogs of Form I-765 applications and reduce the likelihood of applicants experiencing gaps in employment.<sup>3</sup>

Thank you again for your letter and interest in these important issues. Please share this response with the Cities for Action mayors and county executives who signed your letter. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,



Ur M. Jaddou  
Director

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<sup>2</sup> Available at <https://www.uscis.gov/newsroom/alerts/parolees-can-now-file-form-i-765-online>.

<sup>3</sup> For more information on how to submit a formal petition for rulemaking pursuant to Title 6 Section 3.5 of the Code of Federal Regulations, please see <https://www.ecfr.gov/current/title-6/chapter-I/part-3>.