

**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.<sup>1</sup>

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.<sup>2</sup> 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.<sup>3</sup> Immigrants, including DACA recipients, also face significant obstacles in preparing their renewal requests, particularly in light of the closure of the non-profit legal

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<sup>1</sup> 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/>.

<sup>2</sup> "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>.

<sup>3</sup> 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.<sup>4</sup> 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](mailto: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  
Subcommittee Chair  
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

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<sup>4</sup> 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>.

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