

United States Senate

WASHINGTON, DC 20510

June 27, 2022

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3801 Nebraska Ave NW
Washington, DC 20528

Dear Secretary Mayorkas:

I write to express concern about the Department's increased delays in processing applications for initial Employment Authorization Documents (EADs).

In recent years, Departmental data shows that the average processing times for EAD applications have increased enormously. Among EAD applications based on pending asylum cases, the average processing time has risen from 1.7 months in Fiscal Year (FY) 2017 to 8.3 months in FY 2022. Similarly, the Department's average processing time for EAD applications based on pending adjustment of status petitions rose from three months in FY 2017 to seven months in FY 2022. In general, processing times for all other employment authorization applications have increased from an average of 2.6 months to 4.2 months from FY 2017 to FY 2022.¹ According to the latest available data from the agency, the processing backlog for EADs stands at more than 1.5 million applications.²

My office is seeing the harmful impact of the Department's processing delays on individuals and their families in New Hampshire. My staff is working with individuals who arrived in the U.S. ready to work but are unable to do so in the face of these long processing times. We have encountered young professionals, including refugees from Ukraine and Afghanistan, who are eager to use their skills in the U.S. but cannot work and support their families.

While these delays are of course damaging to applicants and their families, industries throughout the economy are also feeling the negative effects of the Department's EAD processing delays. I'm hearing from small businesses in my state that are suffering from staffing shortages because of the delay in EAD processing. Recent analysis of immigration restrictions and visa processing disruptions stemming from the pandemic suggests that the dramatic drop in the supply of foreign labor is a significant contributor to current worker shortages.³ Industries that rely on foreign labor include critical industries like health care, agriculture, transportation and other supply chain industries.⁴

¹ <https://egov.uscis.gov/processing-times/historic-pt>

² https://www.uscis.gov/tools/reports-and-studies/immigration-and-citizenship-data?topic_id%5B%5D=33700&ddt_mon=&ddt_yr=&query=&items_per_page=10

³ <https://econofact.org/labor-shortages-and-the-immigration-shortfall>

⁴ <https://immigrationforum.org/article/americas-labor-shortage-how-low-immigration-levels-accentuated-the-problem-and-how-immigration-can-fix-it/>

I urge you to move swiftly to improve the speed of EAD processing and reduce backlogs, and I am requesting answers to the following questions:

1. How specifically is the Department utilizing FY 2022 appropriated funds to address the backlog of EAD applications?
2. How specifically is the Department working to increase staffing and capacity in order to restore processing capabilities, and what is the Department's timeline for achieving this objective?
3. Is the Department considering taking additional administrative actions to streamline EAD processing and reduce caseloads, such as expanding the use of e-filing and premium processing?
4. How is the Department working to expeditiously process EAD applications from Afghans and Ukrainians who have recently arrived in the U.S.?

Thank you for your urgent attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jeanne Shaheen". The signature is fluid and cursive, with the first name "Jeanne" and last name "Shaheen" clearly distinguishable.

Jeanne Shaheen
United States Senate