



**CITIES for ACTION**

Secretary Alejandro Mayorkas  
U.S. Department of Homeland Security  
3801 Nebraska Avenue NW  
Washington, DC 20016

**RECEIVED**

**By ESEC at 12:30 pm, Feb 15, 2024**

Director Ur Jaddou  
U.S. Citizenship and Immigration Services  
20 Massachusetts Avenue NW  
Washington, DC 20001

**VIA EMAIL**

February 12, 2024

Re: Cities for Action Leaders Ask DHS to Issue a New Rule Authorizing a Longer Automatic Extension of Employment Authorization

Dear Secretary Mayorkas and Director Jaddou:

Typically, individuals have a 180-day grace period during which an expired Employment Authorization Document (“EAD”) remains valid while the individual’s EAD renewal application is pending. Due to lengthy processing delays, in 2022, the U.S. Citizenship and Immigration Services (“USCIS”) issued a Temporary Final Rule (“TFR”) to extend this grace period from 180 days to 540 days. That extension expired on October 26, 2023. **The undersigned Cities for Action mayors and county executives write to request that you urgently issue a permanent automatic extension of work authorization in the form of an interim final rule that extends work permits for 540 days or longer.** Without this, hundreds of thousands of immigrant workers will lose their work authorization, businesses will lose staff, and our cities and counties will face an increasing challenge to provide shelter to the public.

Cities and counties have made it clear that asylum seekers and immigrants need work permits, and we are frustrated that our communities’ immigrants may soon lose their work authorization due to processing delays and the federal government’s inaction. As a result, cities and counties will soon face even greater challenges if they lose their jobs, driver’s licenses, and access to health care and housing. Thus, we ask that you take our needs into account and ensure that this does not occur.

Before the Department of Homeland Security (“DHS”) issued the TFR extending work permits for 540 days, approximately 66,000 immigrants had already lost their work authorization because USCIS could not process their renewal applications in the 180-day automatic extension period.[1] The severe delays in

processing these renewal EAD applications hurts our communities, impacts the business community, and puts a strain on our services.[2]

First, we are concerned that the lengthy delays in adjudicating renewal applications for work authorization have not improved. As of June 2023, there were approximately 263,000 EAD renewal applications pending. [3] Given these delays and that USCIS is no longer issuing 540-day extensions of work authorization, hundreds of thousands of immigrants will likely experience a lapse in their work authorization in the coming months. As a result, cities and counties are bracing for similar events to transpire, and we are already hearing from businesses who may soon be forced to lay off their workers until their renewed EADs arrive.

Second, if DHS does not address this impending crisis, local economies will suffer additional harm in the face of large job losses. Local businesses are still struggling to address the current labor shortage – and cannot handle further disruption to their operations from losing the employees they already have. A longer extension will allow immigrants to keep their jobs and businesses to operate without interruption.

Third, if our communities’ asylum seekers and other immigrants lose their work authorization, it will significantly impact our ability to receive newly arrived asylum seekers. Cities and counties across the United States are quickly running out of shelter space. If hundreds of thousands of already-employed immigrants lose their jobs, they are likely to lose their homes, and this will result in cities and counties experiencing even greater difficulty providing shelter space and additional services to the public.

Finally, we recognize that DHS has recently made several changes to improve access to employment authorization for new arrivals, including by making certain work permits valid for 5 years, extending and re-designating Temporary Protected Status (“TPS”) for Afghanistan, Cameroon, Ukraine, Venezuela, and Syria, and notifying eligible applicants to apply for an EAD. While laudable, these actions will not help immigrants who are currently in the work permit renewal backlog and whose EADs are about to expire. However, we respectfully ask DHS to do more to ensure that hundreds of thousands of immigrants are not forced out of the labor force in the next year.

To that end, we urge you to implement a permanent work permit extension that is 540 days. If DHS does not implement a permanent change to the automatic extension, any temporary extension should be for a period of no less than three years, to allow sufficient time for USCIS to work through the extensive work permit renewal backlog. We ask that you act swiftly so that the communities we represent do not experience the destabilizing effects of immigrant workers falling out of the workforce.

[1] Temporary Increase of the Automatic Extension Period of Employment Authorization and Documentation for Certain Renewal Applicants, 87 Fed. Reg. at 26619

[2] Catherine Rampell, *The Missing Immigrant Workers*, Wash. Post (Nov. 22, 2021, 6:49 PM), <https://www.washingtonpost.com/opinions/2021/11/22/legal-immigrant-workers-paperwork-renewal-backlog/>.

[3] U.S. Citizenship and Immigration Services, I-765, Application for Employment Authorization Counts of Pending Petitions by Days Pending for All Eligibility Categories and (c)(8) Pending Asylum Category (June 30, 2023), [https://www.uscis.gov/sites/default/files/document/data/i765\\_p\\_allcat\\_c08\\_fy2023q3.pdf](https://www.uscis.gov/sites/default/files/document/data/i765_p_allcat_c08_fy2023q3.pdf).

Sincerely,

1. *Mayor Eric Adams, New York, NY*
2. *Mayor Brandon Johnson, Chicago, IL*
3. *Mayor Michelle Wu, Boston, MA*
4. *Mayor Aaron Brockett, Boulder, CO*
5. *Mayor E. Denise Simmons, Cambridge, MA*
6. *Mayor Barbara M. Foushee, Carrboro, NC*
7. *Mayor Mike Johnston, Denver, CO*
8. *Mayor Joseph V. Schember, Erie, PA*
9. *Mayor Daniel Biss, Evanston, IL*
10. *Mayor Chokwe A. Lumumba, Jackson, MS*
11. *Mayor Quinton D. Lucas, Kansas City, MO*
12. *Mayor Indya Kincannon, Knoxville, TN*
13. *Mayor Danene Sorace, Lancaster, PA*
14. *Mayor Rex Richardson, Long Beach, CA*
15. *Mayor Craig Greenberg, Louisville, KY*
16. *Mayor Annette Blackwell, Maple Heights, OH*
17. *Mayor Daniella Levine Cava, Miami-Dade County, FL*
18. *Mayor Wayne Messam, Miramar, FL*
19. *Mayor Ras J. Baraka, Newark, NJ*
20. *Mayor Alix Desulme, North Miami, FL*
21. *County Executive David Coulter, Oakland County, MI*
22. *District Supervisor Vicente Sarmiento, Orange County, CA*
23. *Mayor Frank C. Ortis, Pembroke Pines, FL*
24. *Mayor Ed Gainey, Pittsburgh, PA*
25. *Mayor Brett P. Smiley, Providence, RI*
26. *Mayor Cory Mason, Racine, WI*
27. *Mayor Eduardo Martinez, Richmond, CA*
28. *Mayor Kim A. Thomas, Richmond Heights, OH*
29. *Mayor Melvin Carter, Saint Paul, MN*
30. *Mayor Erin Mendenhall, Salt Lake City, UT*
31. *Mayor Jenny Wilson, Salt Lake County, UT*
32. *Mayor London Breed, San Francisco, CA*
33. *Mayor Matt Mahan, San Jose, CA*

34. *Mayor Alan Webber, Santa Fe, NM*
35. *Mayor Paige Cagnetti, Scranton, PA*
36. *Mayor Jeffrey Slavin, Somerset, MD*
37. *Mayor Katjana Ballantyne, Somerville, MA*
38. *Mayor James Mueller, South Bend, IN*
39. *Mayor Ben Walsh, Syracuse, NY*
40. *Mayor Thomas McLeod, Tukwila, WA*
41. *Mayor Katie Rosenberg, Wausau, WI*
42. *Mayor Michael T. Foley, Westbrook, ME*
43. *County Supervisor Jim Provenza, Yolo County, CA*



**U.S. Citizenship  
and Immigration  
Services**

April 15, 2024

The Honorable Eric Adams  
Mayor of New York City  
New York, NY 10007

Dear Mayor Adams:

Thank you for your February 12, 2024 letter to the Department of Homeland Security (DHS). I am responding on behalf of the Department.

We appreciate your feedback and interest in the automatic extension of the Employment Authorization Document (EAD) validity period for certain noncitizens with pending renewal applications. We recognize the challenges you highlighted and welcome the opportunity to discuss these issues further.

As you acknowledged in your letter, U.S. Citizenship and Immigration Services (USCIS) has implemented several significant measures to address employment authorization and the issuance of EADs. These important steps have already made a positive impact. USCIS continues to identify ways to streamline our employment authorization application processes and will consider pursuing policy changes or regulatory action where appropriate to promote flexibility for both the agency and noncitizens seeking employment authorization and/or employment authorization documentation.

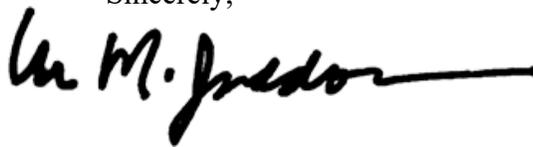
In your letter, you noted that USCIS published a Temporary Final Rule (TFR) in 2022 increasing the automatic extension period for employment authorization for certain renewal applicants from 180 days to up to 540 days. The goal of this temporary increase was to help avoid gaps in employment authorization and documentation for noncitizens with pending EAD renewal applications and disruptions to employers' operations. You expressed concern that some noncitizens and employers in your community may be at risk of being impacted by lapses in employment authorization following the expiration of the TFR on October 26, 2023. You recommended that DHS consider implementing a permanent 540-day automatic extension to ensure that noncitizens can continue to work while their EAD renewal applications are pending.

USCIS recognizes the importance of employment authorization to eligible noncitizens, their families, and U.S. employers. On April 8, 2024, USCIS published a new TFR to increase the automatic extension period for certain EAD renewal applicants from up to 180 days to up to

540 days.<sup>1</sup> As part of the published TFR, DHS is also soliciting public comments, particularly with respect to the scope of the extension and whether it should be made permanent. The increased automatic extension period of up to 540 days is available to any eligible renewal EAD applicant with an application filed on or after October 27, 2023, and pending on or after April 8, 2024 and any eligible applicant who files a renewal EAD application during the 540-day period beginning on or after April 8, 2024 and ending September 30, 2025. Temporarily increasing the automatic extension period for these EAD renewal applicants from up to 180 days to up to 540 days will prevent already work-authorized noncitizens from having their employment authorization and documentation lapse while waiting for USCIS to adjudicate their pending EAD renewal applications and better ensure continuity of operations for U.S. employers. At the same time, this rule provides DHS with an additional window during which it can consider long-term solutions based on public comments and evaluate the effects of ongoing and future policy and operational changes. This TFR aligns with USCIS' ongoing effort to support employment authorized individuals' access to work.

Thank you again for your letter and interest in this important issue. Please share this response with the other mayors and county supervisor that cosigned your letter. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou  
Director

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<sup>1</sup> See [89 FR 24628](#) (April 8, 2024).