

Congress of the United States
Washington, DC 20515

April 2, 2024

The Honorable Ur Jaddou
Director
United States Citizenship and Immigration Services
20 Massachusetts Ave, NW
Washington, DC 20001

Dear Director Jaddou:

We write to express my concerns regarding the U.S. Citizenship and Immigration Services' (USCIS) delay in processing Deferred Action for Childhood Arrivals (DACA) Employment Authorization Document (EAD) renewals in a timely manner, specifically at the Nebraska Service Center.

As you know, these documents are not eligible for an automatic 180-day extension if the EAD expires before a renewed card is issued.

One of the greatest privileges we have as a Member of Congress is the ability to assist our constituents in navigating the complexities of federal agencies. Since January 2024, our offices have seen an uptick in casework inquiries from individuals who are DACA recipients, have submitted their request for a renewal in a timely manner (up to 3 months in advance) and are awaiting their renewal.

As primary contributors to their household income, many of these individuals reached out to our offices due to their impending financial hardship. Currently, USCIS guidelines state: *USCIS' current goal is to process DACA renewal requests within 120 days. If your renewal request has been pending more than 105 days and you have not heard from us, please feel free to contact us.* Unfortunately, their expedite requests were denied. We were dismayed to hear that since then, many of these individuals were not able to produce renewed EAD documents for their employers and have lost their jobs & healthcare coverage.

This issue does not only affect the applicants and their families. Many of these individuals' employers have also expressed their concerns to our offices. These constituents' employments are vital to keeping California safe and secure, including supporting our local law enforcement communities. We must ensure our law enforcement agencies can be fully equipped as California faces a fentanyl crisis and rise in organized crime. Local small businesses, county agencies, retailers, and their staff, who are attempting to comply with employment guidelines, are being directly affected by this delay in processing.

We are aware of the significant backlog USCIS is facing in adjudicating a number of applications. We request you reevaluate your efforts at the Nebraska Service Center to allow for more timely adjudications.

Sincerely,



Michelle Steel
Member of Congress



David Valadao
Member of Congress



Young Kim
Member of Congress



U.S. Citizenship
and Immigration
Services

April 24, 2024

The Honorable Michelle Steel
U.S. House of Representatives
Washington, DC 20515

Dear Representative Steel:

Thank you for your April 2, 2024 letter to United States Citizenship and Immigration Services (USCIS).

Deferred Action for Childhood Arrivals (DACA) has been an extraordinarily successful policy that has transformed the lives of hundreds of thousands of young people. The Department of Homeland Security remains as committed as ever to ensuring DACA recipients are protected from the threat of removal and can continue to remain a vital part of their communities and contribute to this country that is their home. USCIS is proud to play an important role in implementing DACA.

In your letter, you express concerns with delays in USCIS processing of DACA renewal requests at the Nebraska Service Center (NSC) and request USCIS reevaluate our efforts at NSC to allow for more timely adjudications.

USCIS acknowledges in recent months some DACA renewal requestors have experienced processing times longer than the 120-day processing time goal due to issues resulting from necessary technical updates, which USCIS has since resolved.

USCIS is committed to timely adjudication and is making every effort to process DACA renewal requests within 120 days. The majority of DACA renewal requests are currently being processed within the 120-day processing time goal. USCIS Historical Data shows the median processing time for DACA renewals and associated Employment Authorization Documents (EADs) in fiscal year 2023 was one month, and less than two months for the first quarter of fiscal year 2024. See <https://egov.uscis.gov/processing-times/historic-pt>.

As USCIS has long recommended, DACA recipients should file renewal requests no earlier than 150 days and no later than 120 days before the expiration date located on their current Form I-797¹ DACA approval notice and EAD. See <https://www.uscis.gov/green->

¹ See <https://www.uscis.gov/forms/filing-guidance/form-i-797-types-and-functions>.

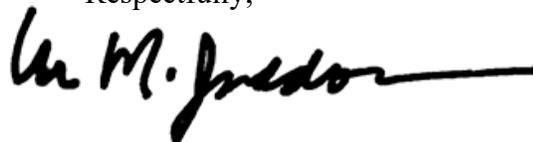
card/green-card-processes-and-procedures/employment-authorization-document. DACA renewal requests submitted before the recommended filing window of 150-120 days before a current DACA expiration date will not result in a faster decision.

The length of the DACA renewal process may vary depending on biometrics submission requirements and whether requestors have demonstrated they meet established regulatory guidelines. If a requestor has not initially provided sufficient evidence to establish they meet the guidelines, USCIS may issue a Request for Evidence, which can extend processing times in individual cases. USCIS adjudicates every case based on the totality of the evidence, and processing times for each individual case may vary depending on the circumstances.

As you mention in your letter, DACA renewal requestors may submit an inquiry online at <https://egov.uscis.gov/e-request/Intro.do> to check the status of renewal requests if pending more than 105 days. USCIS also considers Expedite Requests² on a case-by-case basis and generally requires documentation to support such requests. Relevant criteria or circumstances we may consider in determining whether to grant an expedite request include, but are not limited to, severe financial loss to a company or person, provided the need for urgent action is not the result of the requester's failure to timely file the benefit request, and emergencies or urgent humanitarian situations. The decision to grant or deny an expedite request is within USCIS' sole discretion. DACA requestors should visit the USCIS Expedite Requests webpage³ for more information and guidance on expedite requests.

Thank you again for your letter and interest in this important issue. The cosigners of your letter will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

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

² See <https://www.uscis.gov/forms/filing-guidance/expedite-requests>.

³ See <https://www.uscis.gov/forms/filing-guidance/expedite-requests>.