



Janet T. Mills
GOVERNOR

STATE OF MAINE
DEPARTMENT OF LABOR
54 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0054

Laura A. Fortman
COMMISSIONER

January 31, 2024

Senator Tipping
Representative Roeder
Members of the Labor and Housing Committee

Dear Senator Tipping, Representative Roeder and Members of the Labor and Housing Committee:

On May 11, 2023, Governor Mills signed LD 1050 into law, which directs the Maine Department of Labor to request a waiver from the United States Department of Homeland Security, United States Citizenship and Immigration Services to allow any asylum seeker in the state who has applied for asylum and who has not been denied asylum, is eligible to work in the State.

Attached to this email is a response from Ur Jaddou, Director of the United States Citizenship and Immigration Services, received Tuesday, January 30, 2024.

Please feel free to reach out with any questions.

Thank you,

Dillon Murray
Legislative Liaison
Maine Department of Labor

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Camp Springs, MD 20588-0009



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

January 11, 2024

Laura A. Fortman
Commissioner of Labor
State of Maine
54 State House Station
Augusta, Maine 04333

Dear Commissioner Fortman:

Thank you for your October 25, 2023 letter to the Department of Homeland Security (DHS) requesting a waiver from provisions set forth in section 208(d)(2) of the Immigration and Nationality Act (INA) (8 U.S.C. 1158(d)(2)). I am responding on behalf of DHS.

We recognize the importance of access to employment authorization for newly arrived noncitizens in your communities. As you note in your letter, an asylum applicant is not statutorily eligible for employment authorization until their asylum application has been pending for 180 days. Only Congress can change this statutory requirement and DHS does not have the legal authority to waive this statutorily required waiting period.

U.S. Citizenship and Immigration Services (USCIS) nevertheless continues to look for ways to increase processing efficiencies and lower barriers to access so that individuals, including those with pending asylum applications who are eligible for employment authorization, are able to get employment authorization as soon as possible. For example, USCIS recently increased the maximum available validity period to five years for both initial and renewal Employment Authorization Documents (EADs) for certain noncitizens, including applicants with pending asylum applications and those granted asylum.¹ This measure is intended to significantly reduce the number of requests for renewal EADs, thereby lowering both processing times and backlogs and ensuring that those seeking or granted asylum receive their EADs more expeditiously and do not lose their employment authorization due to processing delays. As of November 30, 2023, USCIS was completing 92 percent of initial EAD applications filed by asylum applicants within 30 days; 98.6 percent were being completed within 60 days.

¹ USCIS Increases Employment Authorization Document Validity Period for Certain Categories (Sept. 27, 2023), available at: <https://www.uscis.gov/newsroom/alerts/uscis-increases-employment-authorization-document-validity-period-for-certain-categories>.

Laura A. Fortman
Page 2

On September 20, 2023, DHS announced a series of actions to accelerate processing for employment authorization applications.² The series of actions announced include ones that directly impact the processing of EAD applications filed by individuals granted parole after presenting at a port of entry with an appointment scheduled through the CBP One mobile app. USCIS has dedicated additional personnel and streamlined its adjudications process to decrease the median processing time for EAD applications filed by these individuals from 90 to 30 days. USCIS has also worked to reduce the median processing time to 30 days for EAD applications by individuals granted parole under the processes for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV).

Finally, in early September 2023, DHS launched a first-of-its-kind national outreach campaign to ensure certain noncitizens who are eligible to apply for employment authorization but have not done so are aware of their eligibility to apply. Through a series of email and text notifications, USCIS began reaching out to these noncitizens to remind them of their eligibility to apply for employment authorization. This includes notifications sent to noncitizens who were paroled into the United States under the CHNV and Uniting for Ukraine (U4U) process, and noncitizens who were paroled after receiving a CBP One App appointment and presenting at a U.S. port of entry. USCIS also reached out to noncitizens who have a Form I-589, Application for Asylum and for Withholding of Removal, pending with the agency. Since that time, USCIS has sent more than 1.8 million email and text notifications in English, Spanish, Haitian Creole, Ukrainian, and Russian.

Thank you again for your letter and interest in this important issue. 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

² DHS, *Fact Sheet: The Biden-Harris Administration Takes New Actions to Increase Border Enforcement and Accelerate Processing for Work Authorizations, While Continuing to Call on Congress to Act*, available at: <https://www.dhs.gov/news/2023/09/20/fact-sheet-biden-harris-administration-takes-new-actions-increase-border>.