

**Congress of the United States**  
**Washington, DC 20515**

December 21, 2021

The Honorable Alejandro Mayorkas  
Secretary  
U.S. Department of Homeland Security  
3801 Nebraska Ave. NW  
Washington, D.C. 20016

Dear Secretary Mayorkas:

Thank you for acting to suspend the Trump administration's rule requiring the collection of new biometrics for H-4 and L-2 work authorization extensions. This change is an important first step in undoing the Trump administration's 'invisible wall' of policies restricting legal immigration. We write to urge several additional actions to reduce the backlog at USCIS that has hindered immigrant spouses in their efforts to obtain work visas.

Due to the Trump administration's changes to visa processing, H-4 and L-2 visa applicants have recently had to wait 11 months to two years to have their documents renewed—even though it only takes USCIS 12 minutes to process Form I-765 and 24 minutes to process Form I-539.<sup>1</sup> Moreover, renewal applications cannot be submitted more than six months before visas are set to expire, which leaves even the most proactive applicants without work authorization for several months. Before the Trump administration's misguided changes to processing policies and the closure of USCIS offices due to COVID-19, visa renewals could be completed in a matter of weeks.

The vast majority of H-4 and L-2 workers are highly educated women, many of whom are employed in STEM fields in the United States. Processing delays have left their families without a second income, forcing them to dip into their savings, sell their homes, and take other drastic measures to stay on their feet. These delays also threaten the over \$7.5 billion that these workers contribute to the U.S. economy.

We are grateful that USCIS agreed in a recent settlement<sup>2</sup> to provide L-2 spouse visa holders with work authorization incident to status and to grant a 180-day automatic extension of authorization for timely filing of an EAD request for L-2, E-2 and H-4 holders. We urge USCIS to work with U.S. Customs and Border Protection to implement these regulatory changes expeditiously in order to maximize relief for immigrant women.

A careful reading of the settlement reveals that for most spouses stuck waiting for their work authorization extension, this settlement offers little relief. As the 180-day automatic extension is tied to valid status, the backlog in I-539 adjudications means that most individuals are not eligible for this benefit.

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<sup>1</sup> 81 Fed. Reg. 26925 (May 4, 2016).

<sup>2</sup> *Shergill v. Mayorkas*, No. 21-1296 (W.D. Wash.), November 10, 2021.

In order to address this issue more holistically, we request that joint adjudication of primary and dependent visas and work authorizations be reinstated. In March of 2019, the Trump administration separated the adjudication of H-4 and L-2 visas and employment authorization applications (EADs) from the adjudication of the H-1B and L-1 petitions from the same family. Previously, dependent petitions were reviewed alongside primary applications, which are eligible for premium processing—guaranteeing adjudication within 15 days. With the suspension of the biometrics collections for L-2 and H-4 applications, resumption of this courtesy process should begin without delay.

We also urge USCIS to quickly expand premium processing to additional visa categories, including H-4 and L-2 visas and EADs. While Congress recently authorized this expansion,<sup>3</sup> USCIS has not yet made this option available to dependents. Premium processing fees can be as high as \$1,400, and USCIS can use this revenue to pay for operational expenses. Many H-4 and L-2 workers would be willing to pay for premium processing if it ensured their authorizations would be complete in 15 days. Expanding premium processing will help immigrant spouses and raise funds for USCIS.

Thank you for your consideration, and we look forward to your response.

Sincerely,



Deborah K. Ross  
Member of Congress

/s/

Sheila Jackson Lee  
Member of Congress

/s/

Henry C. “Hank” Johnson, Jr.  
Member of Congress

/s/

Chellie Pingree  
Member of Congress

/s/

Gwen Moore  
Member of Congress

/s/

Ro Khanna  
Member of Congress

/s/

Scott H. Peters  
Member of Congress

/s/

Joe Neguse  
Member of Congress

/s/

Jason Crow  
Member of Congress

/s/

Darren Soto  
Member of Congress

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<sup>3</sup> Continuing Appropriations Act, 2021 and Other Extensions Act, H.R. 8337, 116<sup>th</sup> Cong. § 2 (2020).

/s/  
Mondaire Jones  
Member of Congress

/s/  
Mark Pocan  
Member of Congress

/s/  
Barbara Lee  
Member of Congress

/s/  
Raja Krishnamoorthi  
Member of Congress

/s/  
Al Lawson  
Member of Congress

/s/  
Katie Porter  
Member of Congress

/s/  
Ilhan Omar  
Member of Congress

/s/  
Diana DeGette  
Member of Congress

/s/  
Jahana Hayes  
Member of Congress

/s/  
Donald S. Beyer Jr.  
Member of Congress

/s/  
Kathy Manning  
Member of Congress

/s/  
Alexandria Ocasio-Cortez  
Member of Congress

/s/  
André Carson  
Member of Congress

CC: Ur Mendoza Jaddou, Director, U.S. Citizenship and Immigration Services