

**Board of Directors**

**Chair**

Esta Gordon Epstein

**CEO and National Director**

Jonathan Greenblatt

Andy Adelson

Barry Curtiss-Lusher

Yasmin Green

Yadin Kaufmann

Alan Lazowski

Glen S. Lewy

Daniel Lubetzky

Nicole Mutchnik

Elizabeth A. Price, Secretary

Ben Sax, Vice Chair

Milton S. (Tony) Schneider

Larry Scott, Vice Chair

Robert Stavis

Christopher Wolf

**Global Advisory Council**

Barbara Adelman, Co-Chair

Michael N. Sheetz, Co-Chair

**National Commission**

Faith Cookler, Co-Chair

Joseph A. Goldblum, Co-Chair

**Deputy National Director**

Kenneth Jacobson

**Senior Vice Presidents**

**Growth**

Frederic L. Bloch

**Chief of Staff**

Emily Bromberg

**Policy**

Eileen Hershonov

**Finance and Administration**

Anat Kendal

**International Affairs**

Sharon Nazarian

**Technology**

Rafail Portnoy

**Talent & Knowledge**

Tom Ruderman

**Programs**

George Selim

**General Counsel, Privacy &**

**Security**

Steven C. Sheinberg

**Past National Chairs**

Barbara B. Balsler

Howard P. Berkowitz

Kenneth J. Bialkin

Barry Curtiss-Lusher

Burton S. Levinson

Glen S. Lewy

Marvin D. Nathan

David H. Strassler

Robert G. Sugarman

Glen A. Tobias



November 7, 2019

Samantha Deshombres  
Chief, Regulatory Coordination Division  
Office of Policy and Strategy, U.S. Citizenship and Immigration Services  
Department of Homeland Security  
20 Massachusetts Avenue NW  
Washington, DC 20529-2140

RE: DHS Docket No. USCIS-2018-0001

Dear Chief Deshombres,

On behalf of the Anti-Defamation League (ADL), we write in opposition to the proposed rule by the U.S. Department of Homeland Security (DHS) to remove the regulatory provision that states the U.S. Citizenship and Immigration Services (USCIS) has 30 days from the date that an Employment Authorization Document (EAD) application is filed to grant or deny that application. We strongly urge that this regulation remain in place.

ADL, founded in 1913 to stop the defamation of the Jewish people and to secure justice and fair treatment to all, represents a community that has experienced the plight of living as refugees throughout its history. We recall all too well when Jewish refugees fleeing the Holocaust were denied entry into the U.S. As a matter of principle, ADL has advocated for fair and humane immigration policies since its founding. ADL views this as an important priority and has been a leader in exposing anti-immigrant rhetoric and the mainstreaming of hate, as well as government action motivated by racial animus.

ADL is concerned that the proposed rule would mean that asylum seekers who apply for authorization to work in the U.S. while waiting for their asylum claims to be adjudicated will experience indeterminate and prolonged wait times. It is notable that asylum seekers must already wait 150 days from the filing of their asylum claims to submit their EAD applications, and these applications cannot be granted until 180 days have passed since the initial asylum filing. This means asylum seekers must already wait approximately six months before being eligible for authorization to work.

Even with the 30-day rule in place, protracted delays were commonplace prior to a court ruling ordering USCIS adhere to the rule and timely adjudicate applications. These delays caused serious issues for asylum seekers including but not limited to the inability to work and to access essential social services. Asylum seekers who are unable to work will struggle to pay for food, to afford housing, to support their families, and to access other critical services. The inability to support oneself can in turn cause stress and fear – which is especially undesirable for a vulnerable population fleeing persecution. If the provision were removed, the government has affirmed that the wait times for employment authorization to be granted would increase, thereby further exacerbating the challenge to asylum seekers.

ADL is concerned that this action is part of a broader effort by the Administration to deter asylum seekers from seeking refuge in the United States, a fundamental legal right in the U.S. and core to our nation’s principles. Individuals fleeing persecution in their home countries and seeking asylum in the U.S. must overcome countless hurdles to achieve safety and security. The Administration has tried to limit where individuals fleeing persecution may enter the U.S. to request asylum, it has sought to restrict how many individuals can enter the U.S. per day by way of a process which has become known as “metering,” and it has forced migrants back over the Southern border into Mexico to await court adjudications of their claims despite the serious safety concerns implicated. Combined with other government actions such as the odious Muslim Ban and the heartless “Zero Tolerance” policy – which saw children, including babies, torn out of their parents’ arms while attempting to cross the border – the proposed revocation of the 30-day provision sends a message to vulnerable immigrants seeking asylum that the United States does not care for their safety and wellbeing, or what happens to them while they wait for the chance to prove their claims.


The asylum process is typically protracted and may take several years to resolve. As of May 2019, almost 330,000 affirmative asylum applications were reportedly pending with USCIS. The general backlog of cases in immigration court topped one million in 2019 and individuals are waiting an average of 687 days for a case outcome. This is an astonishing length of time to be left in limbo.

The government has proven that it is capable of processing EAD applications within 30 days. It is presently doing so for the majority of EAD applications filed.

If additional time is required to thoroughly vet and process applications, USCIS should permit asylum seekers to submit their applications sooner. Specifically, EAD applications could be submitted at the same time as the initial asylum application is filed. Significant personal information is included in the asylum application which should enable the government to conduct all necessary national security screenings and identity verification.

For decades the U.S. has served as a global leader and a model, accepting large numbers of refugees and asylees and facilitating their integration into our society. We urge the government to continue to permit individuals seeking asylum to work while their cases are pending and to allow the regulation requiring EAD applications to be processed in 30 days to remain in place to provide certainty and reassurance to an already vulnerable group.

Sincerely,

A handwritten signature in black ink that reads "Steven M. Freeman". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Steven M. Freeman  
Vice President, Civil Rights