

The Honorable Chad Wolf  
Acting Secretary  
Department of Homeland Security  
Washington, DC 20528

Ken Cuccinelli, Senior Official Performing the Duties of the Deputy Secretary for the Department  
of Homeland Security  
20 Massachusetts Avenue, NW  
Washington, DC 20529

Matthew T. Albence, Deputy Director and Senior Official Performing the Duties of the Director  
ICE  
U.S. Immigration and Customs Enforcement  
500 12th St., SW  
Washington, D.C. 20536

Dear Secretary Wolf, Director Cuccinelli, and Director Albence:

Thank you for recent actions taken in response to the sudden onset of the COVID-19 pandemic in the U.S. Your steps to relax some immigration regulatory requirements will enable essential U.S. industries, such as healthcare and engineering, to retain the high skilled workforce they need to provide potentially lifesaving treatment and equipment at the most critical of times.

Still, as you know, the immigration benefit process is extremely paper-intensive and there remain a number of significant areas where simply relaxing filing requirements will allow many American workers, to remain home and reduce the risk of spread, instead of traveling to their workplaces and other locations to assemble, submit, and process all the paperwork necessary for a timely and compliant immigration filing.

For this reason, we bring again to your attention the requests made in our later dated March 18, 2020, in particular:

- 1. Extending Filing Deadlines -- Any deadline for a filing at United States Citizenship and Immigration Services occurring between March 11, 2020 and May 11, 2020, including those for amended petitions, initial applications or petitions, renewals or extensions or changes of status, or responses to requests for evidence, should be automatically extended for a period of 90 days.**
- 2. Automatic Stays -- Any employment authorization document or period of admission issued by the Department of Homeland Security or period of stay considered by the Department of Homeland Security to be a period of stay authorized by the Attorney General that expires March 11, 2020 to May 11, 2020 should be automatically extended for 90 days.**

This is not an exhaustive list, but it is the list that human resources professionals who are the heart of our membership and the heart of this crisis for workplaces cite as immediate and critical priorities.

We believe that there is ample legal authority for you to afford such extensions on a temporary basis, and we fully recognize that the adjudication standards will return to normal once the national emergency is lifted.

The mechanism to accomplish the relief sought can be found in the existing extraordinary circumstances late filing rules as well as the existing rules excusing failure to maintain status or timely filing for extension, change or adjustment of status (under existing regulations at part 214, 28, 245 of 8 CFR). The nationwide spread of COVID-19 provides the factual basis for a determination now that these provisions be invoked to extend all of the above-referenced deadlines during the duration of the national emergency. We would urge against an announcement that simply says that these rules will be interpreted liberally during the national emergency, as this would leave affected parties with an impossible choice between hoping that the excusal of filing deadlines will apply or avoiding that risk and proceeding with the necessary steps to file under the existing deadline.

We thank you for your ongoing consideration of issues critical to the workplace and to SHRM’s members.

Sincerely,



Emily M. Dickens, JD  
Corporate Secretary, Chief of Staff & Head, Government Affairs