

# Congress of the United States

Washington, DC 20515

June 29, 2026

Joseph Edlow  
Director  
U.S. Citizenship and Immigration Services  
5900 Capital Gateway Dr.  
Camp Springs, MD 20746

Mr. Andrew Good  
U.S. Citizenship and Immigration Services  
Office of Policy and Strategy  
5900 Capital Gateway Drive  
Camp Springs, MD 20746

**RE: USCIS Immigration Fees and Related Procedures Required by H.R.1 Reconciliation Bill, RIN 1615-AD09 [DHS Docket No. USCIS-2026-0133]**

Dear Director Edlow and Mr. Good:

We write to strongly oppose the interim final rule, *USCIS Immigration Fees and Related Procedures Required by H.R.1 Reconciliation Bill* (the "IFR" or "rule"), published at 91 Fed. Reg. 22,952 (Apr. 29, 2026). The IFR threatens to destabilize hundreds of thousands of people, cause significant economic harm to key industries, and undermine fundamental legal protections—including bypassing the notice-and-comment procedures established by Congress for rulemaking. We urge DHS to withdraw the IFR in full or to significantly revise it and to conduct full notice-and-comment rulemaking before continuing to implement this rule.

The IFR codifies a punitive, unlawful fee collection system for the annual asylum fee ("AAF" or "annual fee"). DHS began implementing this system on May 29, 2026, without first providing the public an opportunity to comment.<sup>1</sup> Under the rule, failure to pay the AAF within 30 days of notice results in the rejection of the pending asylum application,<sup>2</sup> even for applications that have already been accepted and have been pending for years.<sup>3</sup> Current regulations use rejection of an application at the intake stage, not as a mechanism to dispose of cases that have been pending for an average of four to five years.<sup>4</sup> Yet the IFR applies this intake-based tool to long-pending cases, stripping applicants of their status without any adjudication on the merits of their case and denying them any meaningful avenue to challenge the outcome.<sup>5</sup> Furthermore, failure to pay within this 30-day window results in the automatic termination of the applicant's work authorization.<sup>6</sup> Since U.S. Citizenship and Immigration Services (USCIS) began implementing the AAF in September 2025, constituents and advocates have reported repeated instances of missing AAF notices, notices sent to outdated

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<sup>1</sup> USCIS Immigration Fees and Related Procedures Required by H.R.1 Reconciliation Bill, 91 Fed. Reg. 22,952, 22,952 (Apr. 29, 2026) (setting a May 29, 2026 effective date but inviting public comment until June 29, 2026).

<sup>2</sup> *Id.* at 22,953, 22,972.

<sup>3</sup> See *Transactional Records Access Clearinghouse, New Proposed DHS Rule Effectively Ends Work Authorization for Asylum Applicants*, TRAC IMMIGR., n.2 (Apr. 2026), <https://tracreports.org/reports/772/> (noting affirmative asylum cases took on average 35.5 months in FY 2023 and 25.0 months in FY 2024 to process).

<sup>4</sup> See 8 C.F.R. § 103.2(a)(7)(iii); see also *Explainer: Asylum Backlogs*, National Immigration Forum, (Jan. 23, 2024), <https://forumtogether.org/article/explainer-asylum-backlogs/>.

<sup>5</sup> See 8 C.F.R. § 103.2(a)(7)(iii) (providing no right to appeal a rejection of an application with USCIS).

<sup>6</sup> See 91 Fed. Reg. at 22,957–58.

addresses, and notices misdirected to former representatives no longer connected to a case.<sup>7</sup> The agency's own track record of inadequate notice in this precise context is well-documented through litigation.<sup>8</sup> Additionally, for some people who have tried to pay the AAF online, they have encountered technical issues with the USCIS website, thereby prohibiting them from paying the fee. Yet the IFR creates no grace period, no cure mechanism, and no right of appeal, which means individuals who never received a notice through no fault of their own could see their years-long pending case rejected and work authorization terminated overnight, even when they are willing and able to pay the fee. As Members of Congress whose offices regularly assist constituents navigating the immigration process, we are deeply concerned by the IFR's notice failures.

By definition, any applicant subject to the AAF has already waited for the adjudication of their asylum application for at least one year. Asylum seekers whose applications are rejected for nonpayment may refile,<sup>9</sup> but those applicants will already have exceeded the statutory one-year filing deadline, making it even harder to be granted asylum.<sup>10</sup> The IFR then compounds this harm by exposing rejected applicants who otherwise lack legal status to removal proceedings.<sup>11</sup>

Congress passed the Refugee Act to protect those fleeing persecution.<sup>12</sup> Allowing a \$100 fee—triggered by a notice an applicant may never receive—to serve as a basis for case rejection, permanent loss of work authorization, and exposure to removal proceedings is not a faithful implementation of that statutory mandate. It is precisely the kind of sweeping, discretionary policy change that demands notice-and-comment rulemaking before the rule's implementation, not unilateral agency action.

Additionally, the IFR also threatens TPS holders' right to continuous work authorization. The TPS statute guarantees that employment authorization shall remain "effective throughout the period" of a TPS designation.<sup>13</sup> The OBBBA limited the validity period of individual Employment Authorization Document ("EAD") cards;<sup>14</sup> it did not amend or repeal the TPS statute's guarantee of continuous work authorization. Yet the IFR treats the 12-month limit as an inflexible rule and creates a system that predictably causes work authorization gaps for people with valid TPS, especially in light of growing processing delays.<sup>15</sup> We frequently hear from constituents about

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<sup>7</sup> See, e.g., *Asylum Seeker Advoc. Project v. U.S. Citizenship and Immigr. Servs.*, No. SAG-25-03299 (D. Md.), ECF No. 45-1 ¶¶ 17–18 (noting reports where USCIS's AAF notice went to the wrong person or place, including old addresses that the applicant previously updated with USCIS, and where asylum seekers never received a notice of about the AAF and only found out about it because they checked their online portal on their own initiative).

<sup>8</sup> See *id.*

<sup>9</sup> See 91 Fed. Reg. at 22,957.

<sup>10</sup> See 8 U.S.C. § 1158(a)(2)(B), (D).

<sup>11</sup> 91 Fed. Reg. at 22,957.

<sup>12</sup> Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 102 (1980) ("The Congress declares that it is the historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands . . . .")

<sup>13</sup> 8 U.S.C. § 1254a(a)(2).

<sup>14</sup> See Sections 100003, 100012, [Pub. L. No. 119-21](#), 139 Stat. 72 (2025).

<sup>15</sup> At the end of 2024, 91,651 EAD renewal applications remained pending with USCIS in the (a)(12) and (c)(19) TPS-related categories of work authorization. According to the latest available data from September 2025, the number of pending renewal applications in the same categories more than tripled to 342,849 pending renewal applications. Compare USCIS, Form I-765 Application for Employment Authorization: Eligibility Category and Filing Type (Fiscal Year 2025, Quarter 1), with USCIS, Form I-765 Application for Employment Authorization: Eligibility Category and Filing Type (Fiscal Year 2025, Quarter 4), <https://www.uscis.gov/tools/reports-and-studies/immigration-and-citizenship-data>. According to the USCIS case processing times page, USCIS takes 12.5 months to process 80% of TPS-based EAD applications for TPS holders from El Salvador. USCIS, Case Processing Times, <https://egov.uscis.gov/processing-times> (last accessed June 12, 2026).

ongoing work permit processing delays, and this rule would further expose applicants to these processing delays through no fault of their own.

As Members of Congress who represent small and large business owners across the country, we are acutely concerned about the IFR's economic and fiscal consequences. Asylum applicants represent one of the largest work-authorized immigrant workforces in the United States. As of early 2026, an estimated 2.3 million asylum applicant workers contribute more than \$108 billion to the U.S. economy annually and pay approximately \$33 billion in combined taxes, including \$19 billion in federal and payroll taxes and \$14 billion in state and local taxes.<sup>16</sup> These revenues fund the schools, roads, public safety agencies, Medicaid programs, and children's health programs that Americans rely on every day.

Asylum applicant workers are heavily concentrated in industries that are already experiencing persistent labor shortfalls, including healthcare, childcare, and education. Local communities that received more people seeking asylum during 2021–2023 saw higher employment and wages for native-born workers and all existing workers.<sup>17</sup> These workers are not competing with U.S. workers; they are enabling businesses to stay open and grow.

The same concerns apply to TPS holders. As of January 2025, nearly 1.3 million TPS holders generate approximately \$29 billion in economic activity and pay an estimated \$7.8 billion in taxes annually.<sup>18</sup> Approximately 830,000 TPS holders work in critical industries including construction, retail, hospitality, transportation, warehousing, and manufacturing.<sup>19</sup> The sudden disruption of their work authorization is not an abstraction—it is a direct threat to businesses in our districts that have invested in training these workers, to patients who depend on immigrant caregivers, and to families whose livelihoods depend on continued lawful employment.

The Administrative Procedure Act (“APA”) requires agencies to consider responsible alternatives.<sup>20</sup> The IFR violates that requirement. For asylum seekers, DHS briefly acknowledged some alternatives, including denying rather than rejecting applications, or holding asylum applications in abeyance until the AAF is paid, but DHS did not pursue those alternatives in large part because they would offer more protection and access to work authorization before a final adjudication.<sup>21</sup> That is not a reasoned basis for choosing the harshest possible approach.

DHS already uses tools in similar contexts that could have been applied here: requests for evidence, notices of intent to deny, and opportunities to cure. For TPS holders, DHS could have committed to processing EAD renewals within 30 days or issued Federal Register notices automatically extending work authorization for TPS

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<sup>16</sup> Dr. Phillip Connor, *2+ Million Workers, \$100+ Billion Impact: Counting the Overlooked Economic Contributions of Asylum Applicants*, [WorkPermits.US](https://data.workpermits.us) (March 2026), <https://data.workpermits.us/asylum-workforce-report/>.

<sup>17</sup> Clemens, Nice & Rigol, *Higher Wages, Increased Employment: The Economic Impact of Asylum Applicants on U.S. Citizen Workers* (April 2026), <https://data.workpermits.us/economic-effects/>.

<sup>18</sup> *Temporary Protected Status Protects Families While Also Boosting the U.S. Economy*, [FWD.us](https://www.fwd.us) (April 21, 2026), <https://www.fwd.us/news/temporary-protected-status-report/>.

<sup>19</sup> *Id.*

<sup>20</sup> See *Farmers Union Cent. Exch., Inc. v. FERC*, 734 F.2d 1486, 1511 (D.C. Cir. 1984).

<sup>21</sup> See 91 Fed. Reg. at 22,959-60.

holders whenever processing delays prevent timely EAD issuance. The IFR never explains why these less disruptive alternatives would not suffice.

DHS cited the APA's narrow "good cause" exception to implement the IFR without prior notice-and-comment rulemaking.<sup>22</sup> The APA allows for that exception only where notice and comment would be "impracticable, unnecessary, or contrary to the public interest."<sup>23</sup> The One Big Beautiful Bill Act passed nearly a year ago, but DHS now suddenly claims that "immediate implementation,"<sup>24</sup> with severe and punitive consequences, is necessary. DHS cannot manufacture an emergency through its own delay and then use it to avoid the public participation that Congress intended.

Congress established the notice-and-comment process to ensure that sweeping policy changes with enormous consequences receive the scrutiny and public deliberation they demand before taking effect. DHS's decision to bypass that process particularly for a rule with this magnitude of impact is an affront to the workers, families, and communities in our districts who should have had the opportunity to be heard. We therefore urge DHS to withdraw the IFR in its entirety or significantly revise this rule and to thoroughly consider public comment before continuing to implement this rule.

Sincerely,



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Andrea Salinas  
Member of Congress



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Seth Moulton  
Member of Congress



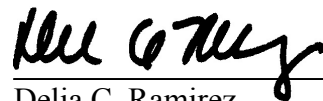
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Raja Krishnamoorthi  
Member of Congress



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Jasmine Crockett  
Member of Congress



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Delia C. Ramirez  
Member of Congress

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<sup>22</sup> See 91 Fed. Reg. at 22,953.

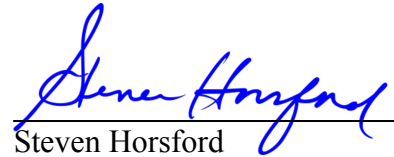
<sup>23</sup> See 5 U.S.C. § 553(b)(B); see also *Sorenson Commc'ns Inc. v. FCC*, 755 F.3d 702, 706 (D.C. Cir. 2014).

<sup>24</sup> 91 Fed. Reg. at 22,953.



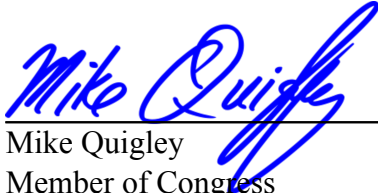
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Danny K. Davis  
Member of Congress



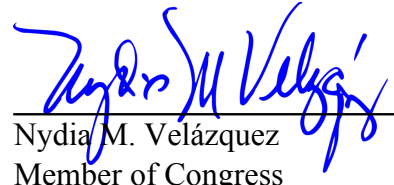
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Steven Horsford  
Member of Congress



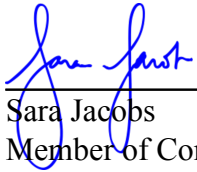
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Mike Quigley  
Member of Congress



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Nydia M. Velázquez  
Member of Congress



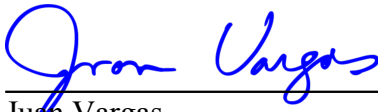
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Sara Jacobs  
Member of Congress



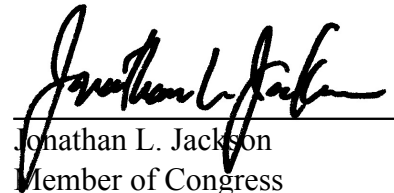
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Lori Trahan  
Member of Congress



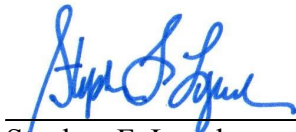
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Juan Vargas  
Member of Congress



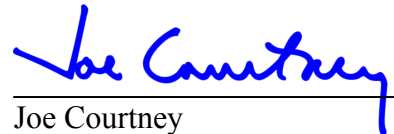
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Jonathan L. Jackson  
Member of Congress



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Stephen F. Lynch  
Member of Congress



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Joe Courtney  
Member of Congress



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Yvette D. Clarke  
Member of Congress



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Henry C. "Hank" Johnson, Jr.  
Member of Congress



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Dan Goldman  
Member of Congress



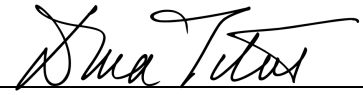
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Yassamin Ansari  
Member of Congress



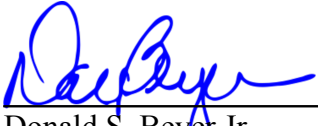
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Darren Soto  
Member of Congress



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Dina Titus  
Member of Congress



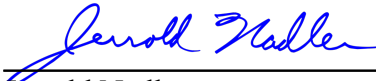
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Donald S. Beyer Jr.  
Member of Congress



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Mark DeSaulnier  
Member of Congress



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Jerrold Nadler  
Member of Congress