

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

September 7, 2023

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Washington, DC 20528

Dear Secretary Mayorkas,

In light of my declaration of a state of emergency existing here in the Commonwealth of Massachusetts due to the rapid and unabating increase of newly arriving migrants and refugees in need of safe shelter in our communities, I am grateful that both you personally and your team have taken extended time to discuss our shared goals for better addressing this matter. To that end, I want to affirm those specific goals and push for continued action.

As we emphasized in our conversation, thousands of families are living in emergency shelter in our state, with a significant rate of increase in the past several months. Many of these new arrivals are drawn to Massachusetts for a safe haven, but arrive with neither the means nor personal connections to secure shelter and access to fundamental human necessities. Relatedly, they are limited from pursuing an opportunity to build new lives through their own hard work. As a result, the costs of our commitment to provide shelter and services are immense and stretched to a degree that is unprecedented in the history of our state.

We appreciate your acknowledgement that future rounds of funding need to be distributed equitably among the states, commensurate with the proportionate pressure on their systems and finances. But another concern that presents cause for alarm is the challenge in helping new arrivals exit the shelter setting. To reiterate a point you heard from me directly, these trends are driven by a confusing tangle of immigration laws and an inability for new arrivals to obtain work authorization from the federal government.

In the absence of desperately needed Congressional action, particularly the dire need to provide funding directly intended to supplement that provision of safe shelter and basic human services, we need the Biden-Harris Administration to continue working with us not only on access to what little funding exists, but crucially on accelerating logistical requirements for new arrivals to achieve employment authorization and otherwise set themselves on a pathway to work and self sustainability.

Massachusetts, like much of the country, continues to experience major workforce needs. With a historically low unemployment rate, tens of thousands of open jobs across our state are going unfilled. This is one of the biggest challenges to continued economic growth that we face, and it has affected nearly all sectors of our economy. From healthcare to manufacturing to leisure and hospitality, our industries need more workers. Every work authorization issued represents an opportunity to meet employer needs, support our economy, and reduce dependency among new arrivals.

As a direct follow-up from our most recent discussion, I want to solidify shared objectives and ask that your team continue reporting back to us, as promptly as possible, on the feasibility and target timeline for execution of each objective as information becomes available.

We specifically request rapid further consideration of two **Direct Regulatory or Guidance Changes** that would immediately support more new arrivals working:

1. Allow provisional work authorization to be issued Incident to Status.
2. Alternatively allow for a physical receipt of work authorization application materials to be considered a provisional employment authorization document.

These fundamental changes in rules, for those whom have arrived in the interior communities of the United States on the basis of what is technically considered parole for the purpose of immigration status, could be pivotal for those arrivals' chances of beginning to earn an income while taking the necessary steps to continue working through the legal process of confirming their orderly arrival in the country. These are responsible, high-impact steps that we need you to strongly consider.

We also request the following **Logistical and Technological Improvements for Arrival and Employment Authorization Processing**, concrete solutions that will speed the process of orderly legal authorizations for new arrivals to begin working as rapidly as possible:

1. Data systems communication for identification information collected by CBP to be directly utilized by USCIS, notably for use in creation of employment authorization cards, thereby eliminating the need for redundant biometric appointments. Alternatively, we appreciate your consideration of the feasibility of current biometrics centers producing employment authorization cards after completion of fingerprint appointments.
2. Create a checkmark on the I-94 Form for a provisional Employment Authorization Document at the time of CBP-1 app appointment completion. Include an easy check-box system to allow CBP-1 app users to ask for employment authorization prior to arrival.
3. Provide and expand digital access to online forms, particularly the fee waiver form associated with the primary I-765 work authorization application, and adding functionality (either adding directly to CBP-1 App or by other means on MyUSCIS) to:
 - a. Create a partially prepopulated I-765 Form for arrivals with parole-based work authorization eligibility or, if legal concern exists that could not be addressed by a simple disclaimer, create a separate portable PDF record of information relevant to I-765 Form completion that could be accepted as accurate as an attachment to the Form.
 - b. Language translations directly for forms being made available, or alternatively for content on "MyUSCIS," or for potential new "How-To" Guide packets USCIS is considering making available for new arrivals. The Massachusetts-specific language priorities commensurate with our population demographics are Haitian-Creole and Spanish.
4. Find/Procure expanded capacity for technology improvements – For the aforementioned technological solutions, we would strongly urge the targeting of financial resources to address capacity limitations affecting the speed at which the Digital/IT team for DHS has been able to roll out improvements for critical platforms and systems would greatly reduce the difficulties facing new arrivals in obtaining work authorization.

Beyond these improvements, another logistical step that I request you begin considering is the ability to evaluate, approve, and administer a state-submitted overarching work authorization fee waiver request for applicants currently in shelter. In turn we would ideally want such a fee waiver to be usable

with requested online filing capability for the work authorization application itself. We will follow up with you under separate cover to make a more formal and expanded request for this waiver.

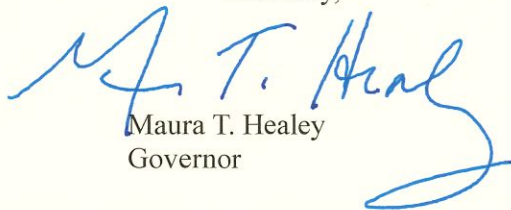
Lastly, one additional prospect raised during our conversation was ensuring that those in the asylum process within our shelter sites are all beginning their separate, distinct process of receiving work authorization, which I recognize your Department strives to execute as swiftly as possible in the context of statutory prohibition on commencing sooner than 150 days from the filing of the asylum application. Our commitment to the Department of Homeland Security and the Biden-Harris Administration is in trying to provide you with better tracking of subgroups of status in processing.

As the significant influx of new arrivals that has generated a state of emergency for the Commonwealth of Massachusetts shows no sign of abating, I will continue seeking federal partnership on the procurement and deployment of goods and services necessary to ensure a prompt and effective response and ultimately a fiscal recovery.

Massachusetts has stepped up to address what sadly has been a federal crisis of inaction that is many years in the making. We appreciate your direct engagement, but even with the exhaustive efforts of your team within the bounds of what is allowable by law, we will still be in desperate need of expanded federal partnership, federal funding, and urgent federal action, so we must accordingly continue to press Congress together for the more significant solutions that only they can provide – solutions on which I know the entire Massachusetts congressional delegation stands ready to engage.

To reiterate a final point, historic demand for workers across all industries shows us that we have a clear and unique opportunity to convert what now may be a challenge into an immense opportunity for our state and for the entire country. We have no choice but to meet this moment.

Sincerely,



Maura T. Healey
Governor

cc: The Honorable Elizabeth Warren
The Honorable Edward Markey
The Honorable Richard Neal
The Honorable James McGovern
The Honorable Lori Trahan
The Honorable Jake Auchincloss
The Honorable Katherine Clark
The Honorable Seth Moulton
The Honorable Ayanna Pressley
The Honorable Stephen Lynch
The Honorable William Keating