



THE CITY OF NEW YORK  
OFFICE OF THE COMPTROLLER  
BRAD LANDER

June 5, 2024

Submitted via [www.regulations.gov](http://www.regulations.gov)

Charles Nimick  
Chief, Business and Foreign Workers Division  
Office of Policy and Strategy  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
5900 Capital Gateway Drive  
Camp Springs, MD 20746

**Re: DHS Docket No. USCIS–2024–0002, Temporary Increase of the Automatic Extension Period of Employment Authorization and Documentation for Certain Employment Authorization Document Renewal Applicants**

The New York City Comptroller submits the following comment in response to the Department of Homeland Security (“DHS”) and the U.S. Citizenship and Immigration Services’ (“USCIS”) request for comment on the Temporary Increase of the Automatic Extension Period of Employment Authorization and Documentation for Certain Employment Authorization Document (“EAD”) Renewal Applicants, 89 Fed. Reg. 24628 (Apr. 8, 2024) (to be codified at 8 C.F.R. pt. 274a) (DHS Docket No. USCIS–2024–0002).

*The New York City Comptroller’s Office*

The New York City Comptroller is the chief financial and accountability officer of the City of New York and promotes the financial health, integrity, and effectiveness of New York City government. Led by an independently elected citywide official, the Comptroller’s Office safeguards the City’s fiscal health, roots out waste, fraud, abuse in local government, and ensures that municipal agencies serve the needs of all New Yorkers. The Comptroller’s Office provides accountability through audits, investigations, contract and budget oversight, and independent analysis and reports.

The Comptroller’s Office keeps a close eye on city government contracting and spending to ensure procurements follow appropriate procedures and identify opportunities to maximize City dollars to better serve New York City residents – whether their families arrived here decades ago or just yesterday.

*The Economic Benefits of Immigrants to NYC*

New York City is the greatest immigrant city in the world. For more than a century, New York City has welcomed millions of newcomers who came to its shores seeking a better life. The city’s proud history of immigration has shaped its economic and cultural success for generations. Today, over 3 million New York City residents are immigrants, comprising about 40% of the city’s population.<sup>1</sup> While a majority of

---

<sup>1</sup> *Facts, Not Fear: How Welcoming Immigrants Benefits New York City*, New York City Comptroller (Jan. 2024), <https://comptroller.nyc.gov/reports/facts-not-fear-how-welcoming-immigrants-benefits-new-york-city/>.

immigrant New Yorkers are naturalized citizens, approximately 1.2 million immigrant New York City residents are noncitizens.<sup>2</sup>

Over 50,000 Temporary Protected Status (“TPS”) holders live across New York State.<sup>3</sup> TPS holders in New York have an employment rate of 91.6%.<sup>4</sup> In 2021, TPS holders in New York State contributed \$268.3 million in federal, state, and local taxes.<sup>5</sup> In New York City, TPS holders contribute to economic vitality with high labor force participation rates and collectively constitute hundreds of millions of dollars in spending power.<sup>6</sup> New York State is home to over 125,000 refugees, who collectively contributed over \$2 billion in taxes in 2021.<sup>7</sup>

As the chief financial watchdog, the Comptroller’s Office is keenly aware of the economic contributions of immigrants to New York City. Historically and today, immigrants – irrespective of their status – drive workforce growth and contribute to the economy as taxpayers, entrepreneurs, workers, and consumers.<sup>8</sup> In New York City, immigrants comprise 36% of the population and 43% of the workforce.<sup>9</sup> Immigrant New Yorkers are more likely to be employed, create jobs by starting a business, and contribute billions of dollars to the New York economy in spending power and tax revenue.<sup>10</sup>

As the city continues a gradual economic recovery in the wake of the COVID-19 pandemic, welcoming new arrivals is an opportunity to fill labor shortages and add more taxpayers, workers, consumers, and entrepreneurs to the New York City economy. New York City has lost over 100,000 workers since February 2020. However, since the Spring of 2022, New York City has welcomed over 180,000 newly arrived migrants and asylum seekers.<sup>11</sup> New York City has embraced the challenge of providing shelter and services to new arrivals to help them get on their feet. The Comptroller’s Office has been focused on ensuring that the city government deploys the resources needed to scale up legal services and case management to help new arrivals gain economic independence and become part of New York City communities. A critical component of that is making sure they have continuous access to work authorization.

### ***Access to EAD***

Keeping as many workers as possible connected to valid EAD is a net benefit to New York City’s economy. Research has shown that access to EAD leads to higher wages.<sup>12</sup> The higher earning power generates more

---

<sup>2</sup> 2022 Annual Report, New York City Mayor’s Office of Immigrant Affairs (Sept. 2023), [https://www.nyc.gov/assets/immigrants/downloads/pdf/MOIA\\_WeLoveImmigrantNYC\\_AR\\_2023\\_final.pdf](https://www.nyc.gov/assets/immigrants/downloads/pdf/MOIA_WeLoveImmigrantNYC_AR_2023_final.pdf).

<sup>3</sup> Fact Sheet: Temporary Protected Status, National Immigration Forum (Oct. 2023), [https://immigrationforum.org/wp-content/uploads/2023/10/TPS-Fact-Sheet\\_October-2023.pdf](https://immigrationforum.org/wp-content/uploads/2023/10/TPS-Fact-Sheet_October-2023.pdf).

<sup>4</sup> Immigrants in New York, American Immigration Council (2021), <https://map.americanimmigrationcouncil.org/locations/new-york/>.

<sup>5</sup> Id.

<sup>6</sup> Fact Sheet: Temporary Protected Status Recipients in New York City, New York City Mayor’s Office of Immigrant Affairs (Jan. 2018), <https://www.nyc.gov/assets/immigrants/downloads/pdf/Fact-Sheet-TPS-NYC.pdf>.

<sup>7</sup> Immigrants in New York, American Immigration Council (2021), <https://map.americanimmigrationcouncil.org/locations/new-york/>.

<sup>8</sup> Facts, Not Fear: How Welcoming Immigrants Benefits New York City, New York City Comptroller (Jan. 2024), <https://comptroller.nyc.gov/reports/facts-not-fear-how-welcoming-immigrants-benefits-new-york-city/>.

<sup>9</sup> 2021 Annual Report, New York City Mayor’s Office of Immigrant Affairs (March 2022), <https://www.nyc.gov/assets/immigrants/downloads/pdf/MOIA-2021-Report.pdf>.

<sup>10</sup> Facts, Not Fear: How Welcoming Immigrants Benefits New York City, New York City Comptroller (Jan. 2024), <https://comptroller.nyc.gov/reports/facts-not-fear-how-welcoming-immigrants-benefits-new-york-city/>.

<sup>11</sup> Accounting for Asylum Seeker Services – Asylum Seeker Census, New York City Comptroller, <https://comptroller.nyc.gov/services/for-the-public/accounting-for-asylum-seeker-census/>.

<sup>12</sup> Economic Benefits of Immigration Legal Services, New York City Comptroller (Mar. 18, 2024), <https://comptroller.nyc.gov/reports/economic-benefits-of-immigration-legal-services/>.

tax revenue.<sup>13</sup> Higher personal income benefits the economy through increased consumer spending.<sup>14</sup> Access to work authorization also creates more efficiency for the economy as workers are no longer relegated to low wage “under the table” jobs and can find work that better fits their skills, education, and experience.<sup>15</sup> Continuous access to valid EAD guarantees stability for workers and their loved ones, and prevents unnecessary disruptions to the workforce and reliance on the city’s social safety net.

Ensuring access to EAD creates downstream positive impacts to the economy. Research continues to find a significant “wage penalty” for unauthorized workers ranging from 4 percent to 24 percent of their hourly wage compared with immigrants with work authorization.<sup>16</sup> As such, maintaining work authorization leads to much greater earning potential. The Comptroller’s Office recently estimated that the approximate earning potential of asylum seekers in city shelters is over \$382 million and could rise to over \$470 million if they were all to obtain work authorization.<sup>17</sup> Greater earning potential benefits our local economy through increased consumer spending, increased tax revenue, and less reliance on the city-funded social safety net. Higher wages also allow more workers to stay in New York City and avoid displacement due to low wages that do not keep up with the cost of living.

### ***The New York City Comptroller applauds DHS and USCIS for issuing this automatic extension of EAD***

The Comptroller’s Office is grateful to DHS and USCIS for promulgating this Temporary Final Rule (“TFR”) to ensure that government processing delays do not disrupt the employment of approximately 800,000 EAD renewal applicants. No New Yorker should lose their job because of government processing delays. The TFR will provide much needed relief and security to thousands of New Yorkers caught in a backlog of processing delays. The Comptroller’s Office is in support of this TFR and believes DHS and USCIS should continue expanding protections to make sure work authorization is accessible and stable for as many people as possible. Protecting timely access to work authorization – for both new arrivals and long-term residents – is directly connected to securing the city’s financial health and economic future.

Currently, USCIS estimates that 80% of EAD renewal applications for pending asylum applications take 15 months to process.<sup>18</sup> Without an automatic extension, those with pending EAD renewal applications are at risk of their EAD expiring after the current automatic extension period and thus losing their employment through no fault of their own. This is a consequence that is not only manifestly unfair to those workers, but which also carries negative downstream impacts on the economy and frustrates New York City’s ability to help new arrivals become self-sufficient.

The city government has taken on a tremendous task of connecting tens of thousands of new arrivals in the shelter system with immigration legal services, including help applying for EAD. New arrivals have been able to apply for EAD through clinics established in partnership between city, state, and federal governments.<sup>19</sup> As such, thousands of new arrivals have received EAD through TPS, humanitarian parole, or pending asylum applications. The Comptroller’s Office is particularly grateful for USCIS’s partnership in providing staff on-site to assist with quicker processing. Gaining and maintaining valid EAD helps stabilize new arrivals, putting them on a pathway to exit the shelter system and boost the local economy.

---

<sup>13</sup> Id.

<sup>14</sup> Id.

<sup>15</sup> Id.

<sup>16</sup> Id.

<sup>17</sup> Id.

<sup>18</sup> *Processing Times*, USCIS, <https://egov.uscis.gov/processing-times/> (last accessed June 5, 2024).

<sup>19</sup> Elizabeth Kim, *Federal Officials Expand Efforts to Expedite Migrant Work Permits in NYC with New Intake Center*, Gothamist (Dec. 1, 2023), <https://gothamist.com/news/federal-officials-expand-efforts-to-expedite-migrant-work-permits-in-nyc-with-new-intake-center>.

For asylum seekers who arrived in New York City close to two years ago, particularly those who have pending EAD renewal applications, this TFR will provide much needed relief and peace of mind.

**USCIS and DHS have also invited comment on the following questions. Our Office submits our recommendations below.**

1. *Whether DHS regulations should be revised to permanently lengthen the period of the automatic extension period to up to 540 days for employment authorization and/or EAD validity for eligible renewal applicants*

The Comptroller's Office recommends DHS and USCIS issue a longer and permanent automatic work permit extension period that covers all eligible workers and ensure that it can process work permit renewal applications for any other immigrants in danger of losing their jobs, including Deferred Action for Childhood Arrivals ("DACA") recipients.

USCIS should ensure that all eligible work permit renewal applicants are protected from loss of work authorization while they wait for the government to process their renewal applications. As such, USCIS should increase the automatic extension to 730 days, which would protect the 260,000 applicants the agency projects will lose work authorization despite this temporary rule. Further, given that the operational challenges USCIS faces are unlikely to resolve in the near-term, the rule should be made permanent to continue the protection of EAD validity while renewal applications are pending. Making the rule permanent would also protect against radical shifts in policy in the event there is a new Presidential Administration. Workers should be able to count on the stability and continuity of their EAD regardless of Administration.

2. *Whether a different permanent extension period should be implemented, for some or all applicants covered by the automatic extension provision on either a temporary or permanent basis*

Moreover, the Comptroller's Office believes that this automatic extension should apply to all noncitizens impacted by processing delays. For example, DACA recipients also experience severe delays in the processing of their EAD renewals that threaten the stability of their employment.<sup>20</sup> New York is home to nearly 30,000 DACA recipients.<sup>21</sup> New York City's DACA recipients work in all sectors – as teachers, doctors, lawyers, civil servants, healthcare workers, and small business owners. New York State DACA recipients and DACA-eligible individuals paid an estimated \$113.4 million in state and local taxes in 2018.<sup>22</sup> Putting DACA recipients and other noncitizens impacted by processing delays at risk of losing employment by not including them is an unacceptable outcome that will carry negative consequences to New York City's economy.

3. *Whether other solutions should be considered to mitigate the risk of expiring employment authorization and/or EAD validity for some or all applicants covered by the automatic extension provision.*

Finally, the Comptroller's Office recommends that DHS and USCIS continue exploring and implementing operational upgrades and policy changes that will make immigration benefits more accessible; connecting noncitizens to status and EAD more equitably and expeditiously; supporting localities providing services to new arrivals, and; eliminating processing inefficiencies.

---

<sup>20</sup> See e.g., Maribel Hastings, *Retrasos en la Renovación de DACA Tienen Resultados "Catastróficos"*, America's Voice (May 22, 2024), [https://americasvoice.org/aves\\_feature/retrasos-en-la-renovacion-de-daca-tienen-resultados-catastrofos/](https://americasvoice.org/aves_feature/retrasos-en-la-renovacion-de-daca-tienen-resultados-catastrofos/).

<sup>21</sup> *Approximate Active DACA Recipients: As of March 31, 2020*, USCIS, <https://www.uscis.gov/sites/default/files/document/data/Approximate%20Active%20DACA%20Receipts%20-%20March%2031%2C%202020.pdf>.

<sup>22</sup> *Immigrants in New York*, American Immigration Council (Aug. 6, 2020) <https://www.americanimmigrationcouncil.org/research/immigrants-in-new-york>

In particular, the Comptroller's Office recommends USCIS allow for electronic submission of applications that are submitted with fee waivers. Currently, anyone submitting a fee waiver must submit their applications via paper mail.<sup>23</sup> Allowing for online submission of fee waiver requests will help facilitate faster processing of applications, reduce issues related to reliance on paper mail, and make the application process easier for those with limited resources. Additionally, this Office, along with the chief fiscal officer of Chicago, has previously written to DHS regarding administrative barriers to receiving the funds awarded to our respective municipalities under the Shelter and Services Program.<sup>24</sup> DHS and its component agencies should provide more funding and flexibility in reimbursing localities for the cost of providing shelter, case management, workforce development, and legal services. Doing so will help alleviate the costs at the local level, freeing up local funds to provide additional services and reducing the strain on city government resources, and thus help to integrate new arrivals into the city's economy more rapidly and efficiently.

Thank you for your consideration and opportunity to comment.

Sincerely,



Brad Lander  
New York City Comptroller

---

<sup>23</sup> *Request for Fee Waiver*, USCIS, <https://www.uscis.gov/i-912> (last accessed June 5, 2024).

<sup>24</sup> *Chief Fiscal Officers of Major U.S. Cities Urge DHS Flexibility in Federal Funding for Asylum Seekers*, New York City Comptroller (Jan 16, 2024), <https://comptroller.nyc.gov/newsroom/chief-fiscal-officers-of-major-u-s-cities-urge-dhs-flexibility-in-federal-funding-for-asylum-seekers/>.