

GUS M. BILIRAKIS  
12TH DISTRICT, FLORIDA

COMMITTEE ON ENERGY AND COMMERCE  
SUBCOMMITTEE ON CONSUMER PROTECTION  
AND COMMERCE, RANKING MEMBER  
SUBCOMMITTEE ON HEALTH  
SUBCOMMITTEE ON  
COMMUNICATIONS AND TECHNOLOGY

Congress of the United States  
House of Representatives  
Washington, DC 20515-0912  
December 14, 2022

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The Honorable Alejandro Mayorkas  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
245 Murray Lane SW  
Washington, DC 20528

**RECEIVED**  
**By ESEC at 2:32 pm, Dec 15, 2022**

Dear Secretary Mayorkas,

I write to you today seeking assistance for the artists of Shen Yun Performing Arts who currently have pending I-131 travel document applications at USCIS.

Shen Yun features world class dancers and musicians who must be uniquely qualified to perform classical Chinese dance and music. In response to its enormous success and increasing demand, Shen Yun is expanding and needs additional talented artists.

The issue that needs your urgent attention is the delay in the processing of all I-131 applications. The processing time for adjudicating an I-131 application could be as long as 1 to 2 years. However, Shen Yun artists are in urgent need for their travel documents to be processed in order to travel for the 2023 international tour with Shen Yun, starting this month.

The free world is undergoing a tough information battle with the CCP. The Chinese regime has made it clear that it seeks to become a dominate force in all aspects of international commerce and society, making the CCP one of the biggest threats to the free world as it continues to try and chip away at the rule of law and respect for human rights.

The traditional cultural values presented by Shen Yun are what the CCP fears most. Courageous individuals risking everything to fulfill Shen Yun's mission—telling stories about virtues that were once part of China. Shen Yun artists' cases meet your agency's criteria for expedited treatment. Please assist in your capacity to ensure that their travel document application cases are processed in an expedited manner. By providing assistance and support to Shen Yun, you can help the Chinese people and the rest of the world aspire to a new China: an open, virtuous, peaceful, and free China.

Sincerely,



Gus M. Bilirakis  
Member of Congress



**U.S. Citizenship  
and Immigration  
Services**

February 21, 2023

The Honorable Gus Bilirakis  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Bilirakis:

Thank you for your December 14, 2022 letter to the Department of Homeland Security inquiring about pending Forms I-589, Application for Asylum and for Withholding of Removal, and Forms I-131, Application for Travel Document, from individuals associated with Shen Yun Performing Arts. Secretary Mayorkas asked that I respond on his behalf, and I apologize for the delay in my response.

Thank you for sharing your concerns regarding the situation of those associated with Shen Yun Performing Arts. I have provided your letter to our Asylum Division for consideration. I also share your interest in addressing the affirmative asylum backlog. One of my priorities as U.S. Citizenship and Immigration Services (USCIS) Director is to use all available policy and operational improvements to reduce both the number of pending asylum applications and overall processing times.

To that end, USCIS has undertaken several recent efforts to increase capacity to address pending affirmative asylum applications including hiring additional asylum officers. USCIS is deeply appreciative of Congressional support and the \$275 million in appropriated funding included in the Fiscal Year (FY) 2022 Continuing Resolution that provided the USCIS Asylum Division 152 additional positions. With these positions, asylum offices have devoted a consistent level of staffing to the completion of the longest pending affirmative asylum applications, depending on the number of positions received by each office. Initially in FY 2022, this effort was focused on the completion of applications received on or before January 31, 2018. The President's FY 2023 budget request to Congress included \$256 million to reduce USCIS application and petition backlogs, to support the increased refugee admissions ceiling, and to fund asylum processing. Unfortunately, the "Consolidated Appropriations Act, 2023" signed into law did not include funding for asylum processing or backlog reduction. This will affect our efforts to reduce the affirmative asylum backlog. USCIS is examining ways to continue to dedicate a similar number of staff to reducing the oldest pending asylum applications, while also addressing increasing time-sensitive border screening cases<sup>1</sup> and the expedited process for

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<sup>1</sup> Although there is no statutory or regulatory requirement for completion of the credible fear process within a specified time period, the statute states that an alien subject to the credible fear process "shall be detained" pending a

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reviewing asylum applications filed by Afghan nationals paroled under Operation Allies Welcome, as required by law.<sup>2</sup>

As a matter of policy, USCIS may consider, on a case-by-case basis, an urgent request by an asylum applicant to request expedited processing of their case.<sup>3</sup> USCIS considers requests to expedite for emergency or urgent humanitarian reasons. This includes, but is not limited to, applicants whose eligible dependents (spouses or unmarried children under the age of 21) are at risk of harm in the country of claimed persecution, or urgent medical needs. Applicants should submit any urgent interview scheduling requests in writing to the asylum office with jurisdiction over their case, and the asylum office will consider the request.

Regarding our Form I-131 processing times, service centers carefully monitor the Form I-131 workload to identify and adjudicate cases to ensure first in, first out processing of these applications. Processing times vary, but the vast majority of applications are processed within 7-16 months. Those individuals who need to travel immediately but whose Form I-131 is still pending can visit our Emergency Travel webpage for more information<sup>4</sup> on how to request expedited processing of the pending Form I-131. The page also has information on requesting an emergency advance parole appointment in extremely urgent situations. Expedite and emergency advance parole requests are adjudicated on a case-by-case basis. USCIS weighs the urgency and merit of each expedite request and may require additional evidence to support the emergency request.

In addition to humanitarian-based benefits, we also note that there are additional visa classifications that may be relevant to the nature of Shen Yun's work, including but not limited to, an O-1B Arts Visa or a P-1B Entertainment Group Visa. The O-1B Arts Visa is available to an individual or individuals who have sustained national or international acclaim and have achieved distinction in the field of arts. To establish this, the individual must demonstrate they have been nominated for, or have been the recipient of, a significant national or international award or prize or by satisfying at least three (3) of six (6) prescribed criteria. Additionally, the P-1B visa is for eligible individuals who are members of an entertainment group. The group must consist of two (2) or more individuals who perform together and have been internationally recognized as outstanding in a discipline for a sustained and substantial period of time. The P-1B visa has similar requirements as the O-1B Arts visa. Individuals on a P-1B visa cannot perform separate and apart from their group.

Please note if one individual in a performing arts group receives an O-1B Arts or P-1B visa, it does not mean every individual in that group will receive the same visa. Each petition is reviewed on a case-by-case basis and a determination is made on the merits of that particular

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final determination of the claim. 8 U.S.C. § 1225(b)(1)(B)(iii)(IV). Regulations require reasonable fear interviews be completed within 10 days of referral, absent exceptional circumstances. 8 C.F.R. § 208.31(b). Consequently, DHS makes the rapid completion of credible and reasonable fear cases a high priority and assigns a substantial portion of its asylum officers to the expeditious completion of these cases.

<sup>2</sup> See Sections 2502(a) and (c) of the Extending Government Funding and Delivering Emergency Assistance Act (P.L. 117-43). <https://www.uscis.gov/newsroom/alerts/uscis-extends-and-expands-fee-exemptions-and-expedited-processing-for-afghan-nationals> and <https://www.uscis.gov/humanitarian/information-for-afghan-nationals>

<sup>3</sup> <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/affirmative-asylum-interview-scheduling>

<sup>4</sup> <https://www.uscis.gov/greencard/greencardprocesses/traveldocuments/emergencytravel>

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petition. For more information on these visa classifications, you can review the [O-1 section of the policy manual](#)<sup>5</sup> and the [USCIS website on P-1B visas](#)<sup>6</sup>.

Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a long horizontal line extending to the right.

Ur M. Jaddou  
Director

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<sup>5</sup> <https://www.uscis.gov/policy-manual/volume-2-part-m-chapter-4>

<sup>6</sup> <https://www.uscis.gov/working-in-the-united-states/temporary-workers/p-1b-a-member-of-an-internationally-recognized-entertainment-group>