

Congress of the United States
Washington, DC 20515

May 12, 2023

RECEIVED

By ESEC at 1:28 pm, May 22, 2023

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear President Biden:

We write to urge the administration to ease the undue delays in granting work authorizations to asylum seekers. Many asylum seekers want to work and give back to their new communities. We ask that your administration support the many states, cities, and communities enthusiastically welcoming asylum seekers across this country by increasing the use of parole and decreasing the regulatory 150-day wait period for asylum seekers to apply for work authorization.

Asylum seekers should be permitted to obtain work authorization from the moment they file their asylum claim. Section 208(d)(2) of the Immigration and Nationality Act (INA) requires that asylum applicants may not be granted work authorization until their asylum application has been pending for a minimum of 180 days. Regulations go further – under 8 C.F.R. § 208.7 asylum seekers can only apply for work authorization 150 days after submitting their asylum applications and must wait at least an additional 30 days to actually receive their employment authorization documents (EADs). That means that, for roughly six months after submitting the application, asylum seekers cannot provide for themselves or their families. Since asylum seekers usually are unable to immediately file for asylum upon entry, the six-month waiting period is overly burdensome. As a result, asylum seekers are forced to rely on underfunded community groups to provide them with everything from housing to food to health services. This is particularly troubling given the labor shortages we are experiencing across the country. A shortfall of immigrants due to our restrictive immigration policies worsens widespread labor shortages and hobbles the U.S. economy at a time when more than 10 million jobs remain unfilled.¹ Cities and states across the country desperately need workers, and millions of people in this country deserve dignified labor and a chance at rebuilding their lives.

Allowing earlier access to work permits would decrease the pressure on NGOs and other community groups and provide asylum seekers with the opportunity to live more independent lives and find legal representation for their asylum claims. Asylum-seekers help create jobs,

¹ Abha Bhattarai & Lauren Kaori Gurley, *Trump, covid slowed down immigration. Now employers can't find workers*, WASH. POST (Dec. 15, 2022), <https://www.washingtonpost.com/business/2022/12/15/immigration-reform-congress-worker-shortage/>.

boost innovation, and increase economic growth.² In New York City, nonprofits have been fielding thousands of requests for jobs and job training.³

Asylum seekers who work without authorization are often exploited, receiving pay far below the minimum wage and facing repeated incidents of wage theft and labor abuse. Instead of providing a safe haven for people fleeing persecution, we keep them in a limbo state where they want and need to provide for themselves but are legally barred from doing so. Further, as legal services organizations that provide pro-bono or low-bono legal services to asylum seekers are often burdened with long wait lists and limited availability, the ability to work legally will also provide asylum seekers with a stable income they may use to pay for legal services. Asylum seekers who have legal counsel are three times more likely to effectively assert their protection claims than those without.⁴

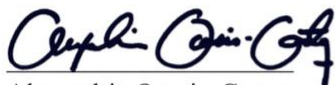
When you announced the new legal pathways for individuals from Venezuela, Cuba, Nicaragua, and Haiti, you acknowledged that asylum seekers have sold everything they have, undertaken a harrowing journey for thousands of miles, and are ultimately arriving at a country where they don't speak the language. Despite the best efforts for thousands of communities and organizations across the country, ultimately, asylum-seekers face unreasonable barriers to work that must be mitigated. Without work, many are forced to seek services from government and non-government groups, straining resources in a completely preventable manner. **We strongly encourage your administration to expand the issuance of parole to asylum seekers so they may immediately apply for employment authorization and eliminate the 150-day employment authorization application waiting period for asylum seekers who have submitted their asylum applications.**

² Philippe Legrain, *Refugees are not a burden but an opportunity*, ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (2016), <https://www.oecd.org/employment/refugees-are-not-a-burden-but-an-opportunity.htm>

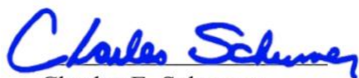
³ Arya Sundaram, *For asylum seekers looking to work in New York, desperation meets necessity*, GOTHAMIST (Oct. 30, 2022) <https://gothamist.com/news/for-asylum-seekers-looking-to-work-in-new-york-desperation-meets-necessity>

⁴ Jacob Czarnecki & Haley Hamblin, *Legal Representation for Asylum Seekers: An Overlooked Area of Reform for a System in Crisis*, NISKANEN CENTER (Aug. 24, 2021), <https://www.niskanencenter.org/legal-representation-for-asylum-seekers-an-overlooked-area-of-reform-for-a-system-in-crisis>.

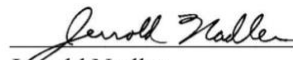
Sincerely,



Alexandria Ocasio-Cortez
Member of Congress



Charles E. Schumer
United States Senator



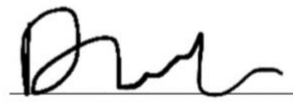
Jerrold Nadler
Member of Congress



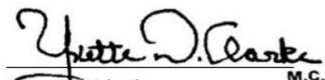
Hakeem Jeffries
Member of Congress



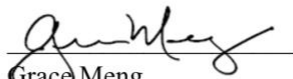
Kirsten Gillibrand
United States Senator




Daniel Goldman
Member of Congress



Yvette Clarke
United States Senator



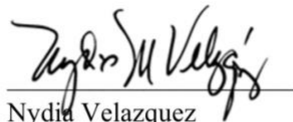
Grace Meng
Member of Congress



Adriano Espaillat
Member of Congress



Jamal Bowman
Member of Congress



Nydia Velazquez
Member of Congress



Ritchie Torres
Member of Congress



Gregory Meeks
Member of Congress

Cc: The Honorable Alejandro Mayorkas, Secretary, Department of Homeland Security



U.S. Citizenship
and Immigration
Services

July 27, 2023

The Honorable Alexandria Ocasio-Cortez
U.S. House of Representatives
Washington, DC 20515

Dear Representative Ocasio-Cortez:

Thank you for your May 12, 2023 letter regarding employment authorization requirements for asylum seekers. I am responding on behalf of the Department of Homeland Security.

On January 23, 2023, U.S. Citizenship and Immigration Services (USCIS) announced that certain asylum applicants can now file Form I-765, Application for Employment Authorization, online. Accordingly, certain Employment Authorization Document (EAD) applicants under the category (c)(8), Pending Asylum and Withholding of Removal Applicants, will thus benefit from a more efficient, secure, and convenient process that also increases operational efficiencies for USCIS.

USCIS is committed to improving processing times and reducing backlogs in adjudicating applications for EADs. To that end, USCIS remains committed to hiring and training additional officers to adjudicate EAD requests from noncitizens with pending asylum applications. Since these efforts began, USCIS has increased the number of EAD adjudications. For example, USCIS adjudicated approximately 93,800 EAD applications filed by asylum seekers in June 2023. The majority of these applications (88 percent) were completed within 30 days of filing. At the end of June, approximately 52,000 such EAD applications were pending, of which 86 percent were pending 30 days or fewer. This is despite sharp increases in incoming receipts in the past year. In Fiscal Year (FY) 2023 through June, USCIS has received an average of 63,000 such EAD applications per month compared to FY 2017-FY 2022 when USCIS averaged 20,000 monthly receipts.

As you note in your letter, section 208(d)(2) of the Immigration and Nationality Act states that no employment authorization shall be issued to an asylum applicant prior to the expiration of the 180-day period after the date of filing the asylum application. Therefore, only Congress can reduce the 180-day EAD eligibility period for those who file an asylum application. I acknowledge your suggestion that the administration expand the use of parole so individuals may apply for employment authorization immediately after filing an asylum application. We are committed to exploring all available avenues to eliminate unnecessary

The Honorable Alexandria Ocasio-Cortez
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barriers, restore faith in the immigration system, and improve transparency, efficiency, and customer experience.

Thank you again for your letter and interest in this important issue. The cosigners of your letter will receive a separate, identical response. 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