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ATTORNEY GENERAL RAOUL OPPOSES FEDERAL ATTEMPT TO DOUBLE THE WAIT FOR ASYLUM-SEEKERS TO APPLY FOR WORK PERMITS

Chicago — Attorney General Kwame Raoul today joined a coalition of 21 attorneys general in opposing a federal effort to obstruct asylum-seekers from applying for work permits. Raoul and the coalition filed a comment letter with the Department of Homeland Security (DHS) arguing that its proposed rule adds delays, confusion, and unnecessary administrative burdens to the work permit and asylum application processes.

“I urge the department to rescind this unlawful proposal,” Raoul said. “By more than doubling the time period an asylum-seeker must wait before applying for a work permit, the federal government is prolonging the already significant period of unemployment asylum-seekers face. I will continue to oppose any attempt by the federal government to create policies that harm or deter those seeking refuge in our country.”

Among other changes, this rule would require asylum-seekers – many of whom flee their countries with few resources – to wait 365 days from the date their asylum application is received before they can apply for a work permit. This rule would dramatically delay asylum-seekers’ ability to legally earn wages and become self-sufficient, harm state economies, and violate federal law.

Under current law, asylum-seekers can apply for a work permit – also known as an Employment Authorization Document – if their complete asylum application was received by U.S. Citizenship and Immigration Services (USCIS) and has been pending for 150 days. Once asylum-seekers file their application for a work permit, USCIS must act on it within 30 days, although the agency has also sought to remove that deadline. The proposed rule seeks to more than double the time period an asylum-seeker must wait before applying for a work permit by increasing it to 365 days. The proposed rule also introduces other changes to the work permit and asylum application processes that make them more burdensome and unfair.

In the comment letter, Raoul and the coalition urge DHS to withdraw this proposed rule because:

- **Delaying or denying work authorization harms asylum-seekers and their families:** By more than doubling the waiting period required to submit work permit applications, the proposed rule dangerously restricts an asylum-seeker’s ability to legally earn wages and be self-sufficient. This can push asylum-seekers into the underground economy in order to make ends meet, impede their ability to take care of themselves and their families, and harm their health and well-being.
- **Having fewer gainfully employed asylum-seekers harms state economies:** The proposed rule will lower tax and spending revenue for the states and harm local businesses that will have to find alternative labor. Additionally, because many asylum-seekers will be without employer-provided health care or able to purchase health care on their own, there will be an increased reliance on state-funded healthcare programs.
- **Implementing the rule violates federal law:** The rule would violate the federal Administrative Procedure Act (APA), which governs how federal agencies implement rule changes. Among other violations of the APA, several aspects of the proposed rule are contrary to the Immigration and Nationality Act.

Joining Raoul in the comments are the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Iowa, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, Nevada, Oregon, Pennsylvania, Rhode Island, Washington, and Vermont.