



## **CHANGES TO WORK PERMIT ELIGIBILITY FOR ASYLUM SEEKERS**

The Trump Administration recently published new rules that will make it harder for asylum seekers to get employment authorization, or work permits. This information sheet explains some of the biggest changes in the rules and how they will effect asylum seekers. The new rules are very complicated, and not all parts of the rules are discussed here. Asylum seekers who are unsure if they qualify for a work permit should speak with an immigration attorney.

### **When Do the New Rules Go Into Effect?**

The new rules will go into effect on August 25, 2020. Any asylum seekers who apply for work permits after August 24<sup>th</sup> will be subject to these new rules.

### **What Are Some of the Biggest Changes in the New Rules?**

- **The New Rule Requires Asylum Applicants to Wait 365 Days after Applying for Asylum Before They Can Apply for a Work Permit:** Previously, asylum applicants had to wait 180 days.
- **The New Rule Prevents Asylum Applicants Who Did Not File their Asylum Application Within the One-Year Filing Deadline from Getting Work Permits:** Individuals who do not file their asylum applications within one year of their last entry into the United States will not be able to get a work permit (unless an asylum officer or immigration judge decides that they qualify for an exception to the one year filing deadline.) *Note: This rule only applies to individuals who apply for asylum on or after August 25, 2020. It also does not apply to children designated as “unaccompanied minors.”*
- **The New Rule Prevents Asylum Applicants Who Did Not Enter at an Official Port of Entry from Getting Work Permits Unless an Exception Applies:** Asylum applicants who cross the border on or after August 25<sup>th</sup> and do not present themselves to immigration officers at a port of entry will not be eligible for a work permit. There is an exception if a person can show that they: (1) presented themselves to immigration officers within 48 hours of entering the United States; (2) told the officer that they intended to apply for asylum or were afraid to return home; and (3) had “good cause” for the way that they entered the United States.
- **The New Rule Eliminates the “Asylum Clock” and Allows Work Permits to be Denied Because of Any Delays Caused by the Applicant:** The government will no longer use the “Asylum Clock” that it used to calculate when the 180-day wait time was met. Now, it will deny work permit applications if, on the date that a person’s first work permit application is filed, there are unresolved delays caused by the asylum applicant in their asylum case. Applicant-caused delays include, but are not limited to: missing an appointment for fingerprints; asking for more time to find a lawyer; changing one’s case to another court; and submitting additional evidence less than 14 days before the asylum interview.
- **The New Rule May Prevent Some People Who Have Committed Certain Crimes from Qualifying for Work Permits:** Asylum seekers who have committed or been convicted of certain crimes will not be eligible for a work permit. The new rule expands the list of crimes that make asylum seekers ineligible for work permits and includes crimes committed inside and outside of the United States.



## **Is There Anything that Asylum Seekers Can do About This Rule?**

Some asylum seekers may be able to act on their cases to avoid some the harmful effects of this new rule:

On September 11, 2020, a federal judge in the case *CASA de Maryland v. Wolf* blocked the government from applying some parts of the new work permit rules to ASAP members. For more details about this lawsuit and its benefits to ASAP members, please visit <https://asylumadvocacy.org/work-permits-for-asap-members/>

To apply to ASAP membership, please fill out this form <https://airtable.com/shr8KKbdj79opi48f> and ASAP will send you a card that you will use to apply for work authorization in order to meet the exception.