



CHANGES TO WORK PERMIT ELIGIBILITY FOR ASYLUM SEEKERS EFFECTIVE AUGUST 25, 2020

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 affect 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 24th 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: Before, asylum applicants had to wait 180 days.

The New Rule Will Deny Work Permits For Asylum Seekers If:

- **An Asylum Applicant Did Not File Their Asylum Application Within the One-Year Filing Deadline:** 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 ultimately decides that they qualify for an exception to the one year filing deadline, which can take years to determine. *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.”*
- **An Asylum Applicant Did Not Enter the United States at an Official Port of Entry:** Asylum applicants who cross the border *on or after August 25th* 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.
- **An Asylum Applicant Causes a Delay in Their Case:** The government will no longer use the “Asylum Clock” that it used to calculate when the 180-day wait time was met. Now, work permit applications will be denied if there are unresolved delays caused by the asylum applicant in their asylum case *on the date that a person’s first work permit application is filed*. This rule does not apply to work permit renewals. 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.
- **An Asylum Applicant Has Committed Certain Crimes:** 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 Before August 25th to Avoid the Rule?

Some asylum seekers may be able to take action on their case before August 25, 2020, to avoid the harmful effects of this new rule. Specifically:

- Asylum seekers who have already applied for asylum and who will reach 150 days on their Asylum Clock before August 25, 2020 should apply for a work permit before August 25th. Otherwise, they will have to wait 365 days to be eligible for a work permit.
- Asylum seekers who have not yet applied for asylum and who are already past their one-year filing deadline (or will reach their one-year filing deadline by August 25, 2020) should apply for asylum before August 25th. If not, they will not be eligible for a work permit until an asylum officer or immigration judge decides their case, which can take many years (or unless the person is an “unaccompanied minor”).