



## ASYLUM SEEKER ADVOCACY PROJECT

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### **Asylum Seekers File Federal Lawsuit to Protect Their Ability to Work** *ASAP Challenges New Rules Limiting Access to Work Permits*

**GREENBELT, MD** – Today, immigrant advocacy organizations CASA, the Asylum Seeker Advocacy Project (ASAP), Centro Legal de la Raza, Oasis Legal Services, and Pangea Legal Services filed a federal lawsuit to stop the U.S. government from implementing new rules that would limit the ability of asylum seekers to work legally in the United States. The case was filed in the District of Maryland by the International Refugee Assistance Project (IRAP), ASAP, and the law firm Gibson Dunn, LLP.

“I fled Honduras to escape persecution and death threats, and seek safety in this country,” said **N.G., an ASAP member**. “However, without a work permit, I have no way to pay for rent, food or medical expenses. I'm just asking for an opportunity to apply for asylum in this country without the anguish of having no way to support my family.”

“As the Mid-Atlantic's largest immigrant advocacy organization, CASA will not accept yet another attack against our most vulnerable community members,” said **Gustavo Torres, CASA Executive Director**. “These changes to the asylum rules are contrary to the fundamental values of the United States, and do damage to our reputation as a home for the persecuted, the abused, and the afraid. The U.S. government should be ashamed of this immoral attempt to further weaken our asylum system and immediately end its efforts to implement these rules.”

Currently, asylum seekers may apply for a work permit once their asylum application has been pending for 150 days. The government then has 30 days to process the application.

This lawsuit challenges two new rules that would eviscerate the system by which asylum applicants have obtained work permits for decades. The many harmful consequences of the proposed rules include:

- After August 25, 2020, asylum seekers will have to wait almost 7 months longer to submit their initial work permit applications, delaying their ability to provide for themselves and their families.

- Asylum seekers who have been in the United States for more than a year and file their asylum application on or after August 25, 2020 will no longer be eligible for a work permit, unless and until an immigration judge finds that they qualify for an exception.
- Asylum seekers who file their work authorization applications on or after August 21, 2020 will no longer be guaranteed that the government will process their application within any specified timeframe.

The government's decision to overhaul this system was done without consideration of the impact it will have on asylum seekers and their local communities. The new rules will take away asylum seekers' ability to work legally and obtain identification documents. They will also greatly overburden social services organizations who will be forced to deal with increased homelessness, hunger, inadequate healthcare, and labor exploitation in the middle of a pandemic.

"These new rules threaten the rights of asylum seekers to live with dignity and safety in the United States as they pursue their claims for asylum," said **Conchita Cruz, Co-Executive Director of the Asylum Seeker Advocacy Project (ASAP)**. "We are proud to stand with asylum seekers and legal aid providers in taking the Department of Homeland Security to court and challenging the latest in a series of attacks on asylum seekers. In this case, we are not only challenging the validity of the rules, but the legality of Chad Wolf's position as Acting Secretary, and whether he had authority to issue the rules at all."

"These cruel new rules that will prevent asylum seekers from working are a part of the Trump Administration's unrelenting, heartless efforts to dismantle our long-standing system of humanitarian protection," said **Mariko Hirose, Litigation Director at IRAP**. "We're proud to stand with our clients in challenging these rules, which were issued in utter disregard of laws requiring accountability and rational decision-making from our government."

"Centro Legal opposes USCIS's new rules aimed at making it more difficult for asylum seekers to obtain authorization to work. If the rules are permitted to go into effect, asylum seekers will be prohibited from working lawfully for at least one year," said **Julie Hiatt, Centro Legal de la Raza's Immigrants' Rights Managing Attorney**. "Given the years-long backlog of the Asylum Office and Immigration Court, our clients and their families will suffer as they wait for permission to work while their asylum petitions are pending. These new rules cruelly punish immigrants who have fled grave danger in their home countries and force them to remain dependent upon others and in poverty while they wait for the United States immigration system to hear their claims."

"Oasis has won asylum for hundreds of LGBTQ+ asylum seekers with a 99% success rate," **Caroline Kornfield Roberts, Executive Director of Oasis Legal Services**. "Yet, these new rules could bar work authorization for more than 80% of our clients while they potentially wait years for a decision in their case. LGBTQ+ asylum seekers have already suffered severe persecution, toxic homophobia, and deep trauma in their countries of origin. They should not be forced to remain in the shadows and in the closet."

“The survival of many asylum seekers and community members is rooted in the ability to obtain a work permit,” said **Jehan Laner, Co-Director at Pangea Legal Services**. “In the San Francisco Bay Area, Latino and immigrant communities have been disproportionately affected by COVID-19. Many of our clients without work authorization are forced to live with family members in multi-family households with individuals who are working outside of the home, which puts our clients at risk of contracting the virus. We must center our common humanity as the future of our health depends on each other, and it starts with the ability to work.”

“Employment authorization permits people fleeing persecution to advance their asylum claims; the plaintiff organizations bring this lawsuit to protect the asylum applicants who work and support themselves while they pursue their claims,” said **Richard Mark of Gibson Dunn**, co-counsel for the plaintiffs. Added **Joseph Evall, also of Gibson Dunn**, “these rules are contrary to law. They cast aside decades of established rules on employment authorization, would unfairly burden asylum applicants, and should be set aside immediately.”

The complaint outlines how the Department of Homeland Security violated the Administrative Procedure Act (APA) by overhauling the asylum system through a rushed series of rule changes. The government violated the APA because it utterly ignored the humanitarian purpose of the asylum statute and failed to provide adequate justifications for its sweeping changes. The agency’s piecemeal approach, which divided the changes over multiple rules, deprived the public of a meaningful opportunity to comment on the proposed rules. The complaint also addresses a major issue of democratic legitimacy, which has been raised by Congress and the media: Acting Secretaries Chad Wolf and Kevin McAleenan, who made these rule changes, [do not have a lawful claim to head the Department of Homeland Security](#). As such, they lacked the authority to issue these new rules in the first place, and Mr. Wolf continues to run the Department in violation of the law.

The complaint can be viewed [here](#).

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