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# NJ Leads Opposition to Fed Proposal that Would Delay and Deny Work Permits for Asylum-Seekers

FOR IMMEDIATE RELEASE

January 13, 2020

**TRENTON** – Attorney General Gurbir S. Grewal today [filed comments](#) calling on the Trump Administration to withdraw a proposed rule that would build dramatic delays into the process of issuing work permit applications for asylum-seekers and would bar other asylum-seekers from obtaining a work permit at all.

Currently, asylum-seekers can apply for a work permit, or “Employment Authorization Document (EAD),” if their applications have been pending before U.S. Citizenship and Immigration Services (USCIS) for at least 150 days. However, the proposed rule would require asylum-seekers to wait 365 days from when their asylum application is received by USCIS before applying for work authorization. That would more than double the time asylum-seekers must wait for authorization to begin lawfully working.

[In a letter to USCIS officials](#), Attorney General Grewal – joined by the Attorneys General of California, the District of Columbia and 18 other states – noted that such an extended waiting period will “push asylum-seekers into the underground economy, impede their ability to take care of themselves and their families, and harm their health and wellbeing.” States, too, will suffer because thousands of asylum-seeker residents would be unable to work legally, which will negatively impact businesses and state tax revenues, and which means that state-funded programs will be called on to bridge the subsistence and health care gap for struggling asylum-seekers and their families.

“One of our nation’s oldest and most venerable commitments is to provide a safe haven for asylum-seekers fleeing persecution, but this Administration has tried to cut back on those protections over and over,” said Attorney General Grewal. “This latest rule would keep asylum-seekers from getting timely permission to work in the United States. That is unfair to asylum-seekers, who want to support their families, bad for the states, who welcome asylum-seekers as productive members of our economies, and antithetical to the values we all hold dear. I am proud to lead the fight against this proposal.”

**“This short-sighted rule heightens the risk that asylum-seekers will be forced into the underground economy, where they can be underpaid and forced to work in unsafe conditions by unscrupulous employers,” said New Jersey Labor Commissioner Robert Asaro-Angelo. “It negatively impacts our economy by depriving the State of employment taxes for legal workers, and puts employers seeking a reliable workforce at a competitive disadvantage. I’m proud of New Jersey’s ongoing efforts to oppose this ill-advised rule.”**

“This latest proposal by the Trump Administration aimed at asylum seekers once again defies the long-established American tradition of helping those seeking protection,” said New Jersey Human Services Commissioner Carole Johnson. “Making it more difficult for those seeking asylum to find work makes no sense. New Jersey is a welcoming state where the contributions immigrants make to our economy and workforce are valued and recognized. This proposed rule would unnecessarily delay asylum seekers’ ability to work and get on a better financial footing. The Trump Administration’s campaign against asylum seekers is wrong. We continue to stand against it.”

In addition to building new delays into the work permit process, the proposed rule would bar certain classes of asylum-seekers from obtaining work authorization at all. Included among those barred would be immigrants who entered or attempted to enter the United States at locations not designated as lawful ports of entry. The proposed rule also expands the universe

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As of the latest reporting, more than \$33 billion in unemployment benefits have been sent to Garden State workers. With federal benefits set to expire on September 4, we encourage everyone to check your email and visit [MyUnemployment.nj.gov](#) for updates and available resources.



of permissible reasons for ultimately rejecting an asylum-seeker’s work permit application, and places new limits on the maximum period of work authorization permits that are ultimately granted.

In calling on the Administration to scrap its “draconian” proposed changes, the letter explains that refugees are often forced to abandon their assets while fleeing persecution in their home countries. On top of that loss, the letter adds, asylum seekers may spend more than \$9,000 just getting to the U.S. border, according to the federal government’s own statistics. Their ability to work lawfully while they experience delays in the asylum application system is therefore of paramount importance.

[The letter](#) also notes that child hunger is a documented problem within asylum-seeking families, and that there is “a commonsense reason for this: immigrants have limited or no income, a problem that the proposed rule will only make worse.” The letter also explains that this proposed rule will lead asylum seekers to instead find work in the underground economy, which means that they will be “less likely to report ongoing labor and civil rights violations.” That, in turn, makes it harder for States to “protect their residents from wage theft, exploitation, and discrimination at work.”

The letter further asserts that the proposed rule is “an assault” on the Refugee Act of 1980 and that several aspects of the rule “are directly contrary” to the text of the Immigration and Nationality Act of 1965. Moreover, the letter explains, the proposal would violate the Administrative Procedure Act.

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