



A new Trump administration proposal could put asylum seekers out of a job

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The Trump administration wants to impose yet another hurdle on asylum seekers: making it much more difficult for them to get work permits during the months or years it takes for their claims to make their way through court.

Getting asylum in the US is a lengthy process. As of June, migrants with active immigration cases have been waiting an average of almost two years for a decision, according to the Transactional Records Access Clearinghouse at Syracuse University.

For now, people seeking asylum in the US become eligible for work permits 150 days after filing their asylum applications, and US Citizenship and Immigration Services has 30 days to process those permits.

A rule the Trump administration proposed Friday would end that 30-day deadline, keeping asylum seekers out of a job or forcing them to work illegally by indefinitely delaying their visas. For asylum seekers who cannot afford to be unemployed and are not eligible for most public benefits, that means they would need to either give up their asylum claims in the US altogether or find under-the-table jobs in the shadow economy.

The rule is one of many recent policy changes that, taken together, have made obtaining asylum in the US incredibly difficult and made life harder for migrants who are trying to claim it.

The Trump administration is sending migrants who line up at a port of entry or who are arrested when trying to cross the southern border back to Mexico to await decisions on their asylum claims. Under the policy, which is known as “Remain in Mexico,” the US has returned more than 42,000 migrants to Mexico as of September 1, according to US Customs and Border Protection.

It has tried to bar migrants who travel through another country before arriving in the US from claiming asylum. (This policy has been temporarily blocked by the Ninth Circuit, but it remains in effect along the southern border in New Mexico and Texas.)

And the administration in July vastly expanded its power to quickly deport migrants who have recently arrived, without offering them the opportunity to pursue their asylum claims before an immigration judge. The US Department of Homeland Security says the policy could impact more than 20,000 migrants a year. That's almost 30 percent of the over 73,000 who applied for asylum in fiscal year 2016, the most recent year for which statistics are available.

The lucky ones allowed to remain in the US while they await decisions on their asylum applications might include those who arrive by plane without crossing the southern border or those who are found to have a "well-founded fear" of persecution in Mexico. Still, Friday's proposal will likely make it difficult for even those asylum seekers to support themselves.

The agency may not stop there. It is also weighing a regulation that would increase the time before asylum seekers become eligible to apply for work permits to 365 days, BuzzFeed's Hamed Aleaziz writes.

With those policy changes, "work permits may effectively become nonexistent for asylum applicants," Sarah Pierce, a policy analyst at the Migration Policy Institute, tweeted.

USCIS defends that the proposed rule would allow the agency to dedicate more time to screening work permit applications for fraud and other national security concerns.

"Our first priority as an agency is to safeguard the integrity of our nation's legal immigration system from those who seek to exploit or abuse it," USCIS Acting Director Ken Cuccinelli said in a statement Friday. "This proposal allows us to conduct the kind of systematic vetting and identity verification procedures expected of an agency charged with protecting national security."

The change could drive more workers underground or into poverty

Current regulations already put asylum seekers, who are entitled to pursue their claims under US and international law, in the untenable position of going without work for months or taking under-the-table jobs that make them vulnerable to exploitation.

David Bier, a policy analyst at the CATO Institute, a libertarian think tank, said that most asylum seekers consequently find jobs "very shortly after their arrival, as most cannot afford to live unemployed for 6 months," even though they are not initially authorized to do so.

They are taking a calculated risk: Unlawful employment can be used against asylum seekers in immigration court, but the alternative is extreme poverty without a social safety net.

Friday's proposal would force more asylum seekers to work in the shadow economy for longer, which is precarious for both employees and employers. While unauthorized workers have many of the same rights as workers with legal status, many are afraid of exercising those rights and standing up to workplace abuses due to the fear of being outed to immigration enforcement. Employers can also be fined for knowingly employing unauthorized immigrants.

“This rule would increase the length of this illegal employment, imposing greater risks on the workers and their employers,” Bier said.

Knowing the risks associated with unlawful employment, Joan Hodges-Wu, founder and director of the Asylum Seeker Project, a Washington, DC-based organization that helps asylum seekers apply for work permits, advises against working on a cash-only basis and ensuring that any job they take is above board.

But for many of the asylum seekers she works with, following the rules can mean becoming homeless: “It creates this perfect storm of extreme poverty, continued victimization, and profound social isolation,” she said.