

The Asylum Seeker Work Authorization Act of 2015

U.S. Senator Angus King (I-Maine)

The Problem: Current federal law mandates that asylum seekers must wait 150 days, plus an additional 30 day approval period, after filing their asylum application with the United States Citizenship and Immigration Services (USCIS) in order to receive a work authorization. The mandatory six month waiting period places asylum-seekers in a difficult position. Without a source of income, many are left to rely on General Assistance provided by municipalities, which can consequently strain already limited municipal budgets.

This problem is the result of a 1996 change in federal law in which Congress decoupled employment authorization from asylum to codify the current 180 day work authorization framework, complete with a “clock” that starts and stops, often dragging the 180 day waiting period across a number of years.

Congress implemented the change at the time because filing for asylum could have resulted in the granting of a work authorization that lasted for several years, potentially creating an incentive to file for asylum solely to gain employment authorization. However, in the 19 years since 1996, Congress has dramatically tightened the overall immigration system, making the mandatory waiting period less effective and causing it to do more harm than good.

Within the context of the current immigration system, the 180 day waiting period for asylum-seekers is unnecessary and only forces them to rely on state and local welfare programs when they would rather work and support themselves.

The Solution: Senator King’s *Asylum Seeker Work Authorization Act of 2015* would allow asylum-seekers to apply for work authorization 30 days after USCIS receives their complete application, thereby helping asylum-seekers to pursue work opportunities and support themselves sooner while alleviating the financial pressure placed on municipal funds.

Bill Summary: This legislation would amend the *Immigration and Nationality Act* to direct the Secretary of Homeland Security (DHS) to authorize employment for any asylum applicant who is not in detention and whose application has not been determined frivolous. The asylum applicant would have to wait 30 days from the time they file their application before receiving employment authorization, giving DHS enough time to run the appropriate background checks.

The employment authorization would be valid for a one-year period, after which the applicant will have an opportunity to renew his or her employment authorization. The authorization would be renewable for additional one-year periods for as long as is necessary to process and adjudicate the applicant’s asylum claim.

Senator King introduced a similar provision last Congress as an amendment during the immigration reform debate.