

# Congress of the United States

Washington, DC 20515

April 24, 2026

Joseph Edlow  
Director  
U.S. Citizenship and Immigration Services  
5900 Capital Gateway Dr.  
Camp Springs, MD 20746

Mr. Andrew Good  
U.S. Citizenship and Immigration Services  
Office of Policy and Strategy  
5900 Capital Gateway Drive  
Camp Springs, MD 20746

**RE: Employment Authorization Reform for Asylum Applicants, RIN 1615-AC97 [Docket ID USCIS-2025-0370]**

Dear Director Edlow and Mr. Good:

We write to strongly oppose the proposed rule, *Employment Authorization for Asylum Applicants*, that would effectively bar asylum seekers from applying for an initial employment authorization document (EAD) until USCIS is able to significantly decrease the processing time for affirmative asylum applications. The rule would provide unfettered authority to USCIS to deny both initial and renewal EAD applications and increase wait times for asylum seekers to apply for an EAD. If finalized, these proposed changes would have devastating impacts on asylum seekers, employers, and local communities.

Currently, USCIS' specific processing goal for asylum applications is an average of six months, and the agency estimates in this proposed rule that it would take them from 17 to over 100 years to achieve this goal.<sup>1</sup>

While we appreciate the agency's goal of reducing the amount of time it takes to process asylum applications, it is unacceptable for asylum seekers to bear the brunt of this goal and face severe economic uncertainty.<sup>2</sup> It is cruel and unnecessary, especially considering many asylum seekers are fleeing violence and persecution and are coming to the United States for stability and a better future. Barring asylum seekers from being able to legally work benefits no one.

This proposed rule would make it harder for asylum seekers to renew their work permits. First, this proposed rule would require applicants to attend a biometrics appointment even if DHS already has their biometrics on file. This lacks sound reasoning and only serves to be another hurdle for asylum seekers. Second, the proposed rule also gives USCIS the authority to deny work permit applications for any reason.<sup>3</sup> These changes are very concerning and destabilizing to businesses, families, and our constituents. When workers lose their work authorization due to processing delays or unexplained denials, employers abruptly lose trained employees they cannot easily replace, and workers and their families experience financial crises. The businesses in our districts that have invested in hiring and training these workers face real and immediate costs: lost productivity, search

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<sup>1</sup> DHS Notice of Proposed Rulemaking, *Employment Authorization Reform for Asylum Applicants*, 91 Fed. Reg. 8,616, 8,618 (Feb. 23, 2026); <https://www.fwd.us/news/asylum-work-permit-rule/>.

<sup>2</sup> <https://www.federalregister.gov/documents/2026/02/23/2026-03595/employment-authorization-reform-for-asylum-applicants>

<sup>3</sup> 91 Fed. Reg. 8,618-19.

and rehiring expenses, and operational disruptions. The rule does not fully account for the disruption these proposed changes would cause to localities across the U.S.

The proposed changes would seriously harm the U.S. workforce. As of 2025, around 4.5 million people were seeking asylum, and 2.3 million of these were 16 years and older and already working. Asylum seekers who were 16 years and older had a higher workforce participation rate (72%) than the U.S. average. Of these workers, 17% worked in construction and 14% were employed in the transportation and warehouse industries, which are both critical industries currently facing significant workforce shortages.<sup>4</sup> The data shows that people seeking asylum are continually filling roles that are difficult to fill with the domestic labor force. New economic data submitted to this docket shows that local communities that received more people seeking asylum during 2021–2023 saw higher employment and wages for native-born workers, U.S. citizens, and all existing workers.<sup>5</sup> This data confirms what we already knew—asylum seekers want to work and contribute to their new communities, and our economy is stronger because of them.<sup>6</sup>

Our constituents depend on a stable workforce, and asylum seekers are an essential part of it. People seeking asylum provide critical public services. Approximately 109,000 people with a pending asylum application work in health services, including child care and home health care; and 61,000 in education, including 27,000 in elementary and secondary schools.<sup>7</sup> In the child care sector specifically, reducing the authorized workforce would make it harder for working parents in our districts to find care for their children.

As Members of Congress who appropriate federal funds, oversee agency budgets, and are directly accountable to constituents who rely on government services, we are acutely concerned about the fiscal consequences of this proposed rule. By restricting access to work authorization for people seeking asylum, our economy would lose billions of dollars through lost tax revenue, lower consumer spending, and worker shortages.<sup>8</sup>

People seeking asylum pay \$33 billion in taxes each year — including \$19 billion in federal and payroll taxes and \$14 billion in state and local taxes<sup>9</sup> that fund the public schools, police and fire departments, road maintenance, Medicaid, and children's health programs that our constituents use every day. DHS itself acknowledges that lost wages to workers with a pending asylum application under this rule could range from \$34.6 billion to \$126.6 billion every year.<sup>10</sup> These losses would translate directly into reduced revenues at every level of government, constraining the resources available to fund programs that Congress has authorized and that American families depend on.

This proposed rule puts more pressure on the USCIS workforce that is already struggling to keep up with the mounting backlogs while the Trump Administration has systematically cut the agency's workforce and

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<sup>4</sup> <https://www.fwd.us/news/people-seeking-asylum-are-contributing-to-the-workforce/>

<sup>5</sup> Economic Analysis Submitted by Michael Clemens (George Mason), Natalia Rigol (Harvard), and Amy Nice (Cornell) in response to the Department of Homeland Security Notice of Proposed Rulemaking, Employment Authorization Reform for Asylum Applicants (April 7, 2026), <https://www.regulations.gov/comment/USCIS-2025-0370-2638>.

<sup>6</sup> Ibid.

<sup>7</sup> Phillip Connor, 2+ Million Workers, \$100+ Billion Impact: Counting the Overlooked Economic Contributions of Asylum Applicants, WorkPermits.US (Mar. 2026), <https://data.workpermits.us/asylum-workforce-report/>. Estimates are based on augmented 2024 American Community Survey data with populations reweighted to reflect the total number of asylum applicants as of the end of fiscal year 2025.

<sup>8</sup> <https://www.fwd.us/news/asylum-work-permit-rule/>

<sup>9</sup> See 2+ Million Workers, \$100+ Billion Impact, *supra* note 6.

<sup>10</sup> 91 Fed. Reg. 8,621.

adjudicatory capacity. For example, on February 14, 2025, the U.S. Department of Homeland Security fired around 50 workers.<sup>11</sup> The Trump Administration also reduced workforce flexibilities such as telework, restricted the number of new hires to one for every four individuals that departed through attrition, and encouraged qualified employees to take early retirement. Together, these efforts negatively impacted the USCIS workforce and resulted in the number of staff decreasing from 22,322 to 19,925 within one year, which is an 11 percent decrease.<sup>12</sup>

Even before President Trump took office for the second time, USCIS struggled to maintain sufficient staffing levels to adjudicate asylum applications in a timely manner. In a DHS Office of Inspector General report from FY2023, the OIG found that USCIS had over one million asylum cases pending, including 786,000 affirmative asylum cases pending for more than 180 days. The OIG also found that USCIS was not able to adjudicate these asylum cases in a timely manner because of insufficient funding and staffing levels. With this additional context, it is clear that USCIS has lacked sufficient staffing levels to process these claims for years now, and the root of the issue is funding.<sup>13</sup> Therefore, this proposed rule, which effectively puts work permits for asylum seekers on hold until USCIS is able to reduce the asylum case backlog, misses the mark on addressing the root of the issue. Furthermore, a separate group of USCIS workers, Immigration Services Officers, are responsible for reviewing and processing asylum EAD applications, so the size of the EAD backlog does not have any bearing on the agency's ability to decrease its asylum backlog.

Last, it is worth stating clearly that this regulation does not reflect congressional intent. By barring access to the authorized workforce to asylum seekers, the government is making it nearly impossible for asylum seekers to pay new asylum fees instituted in the One Big Beautiful Bill (OBBBA), or even to live safely in the United States while pursuing their asylum claims. This proposed regulation thus flies in the face of the Refugee Act, and the congressional guarantee that individuals have the ability to seek asylum in the United States.

Based on our concerns, we urge you to withdraw this proposed rule in full and pursue policies that protect access to work authorization. Barring asylum seekers from working legally is not beneficial to them or their families, or our communities.

Sincerely,



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Andrea Salinas

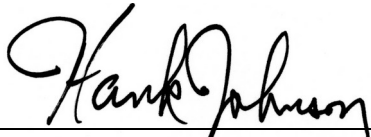
Member of Congress

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<sup>11</sup> <https://www.americanimmigrationcouncil.org/blog/federal-firings-immigration-processing-enforcement-expands/>

<sup>12</sup> <https://www.nytimes.com/interactive/2026/01/09/upshot/trump-workforce-cuts-table.html>

<sup>13</sup> <https://www.oig.dhs.gov/sites/default/files/assets/2024-07/OIG-24-36-Jul24.pdf>



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Henry C. "Hank" Johnson, Jr.  
Member of Congress



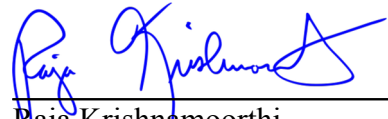
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Adriano Espaillat  
Member of Congress



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Raja Krishnamoorthi  
Member of Congress



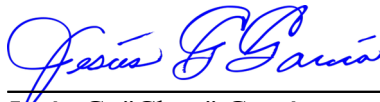
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Delia C. Ramirez  
Member of Congress



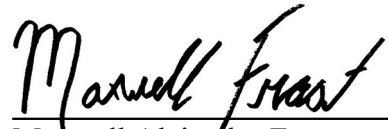
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Yvette D. Clarke  
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Member of Congress



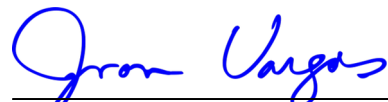
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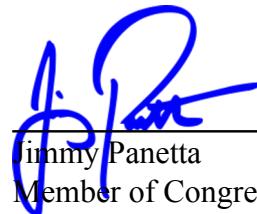
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Juan Vargas  
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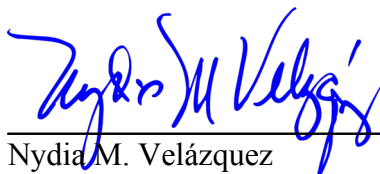
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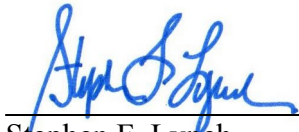
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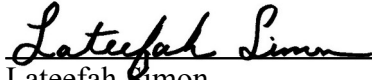
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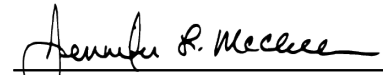
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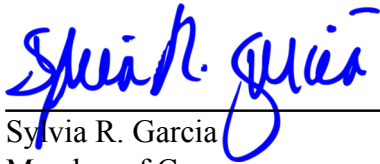
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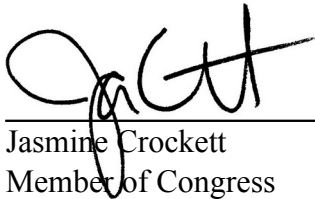
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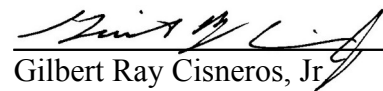
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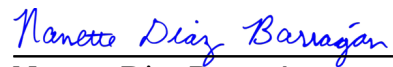
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Adelita S. Grijalva  
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*Frederica S. Wilson*

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