



U.S. Citizenship and Immigration Services

USCIS to Deter Frivolous or Fraudulent Asylum Seekers from Obtaining Work Authorizations

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WASHINGTON—U.S. Citizenship and Immigration Services today announced a [proposed rule](#) to deter aliens from illegally entering the United States and from filing frivolous, fraudulent or otherwise non-meritorious asylum applications in order to obtain employment authorization.

The proposed rule will better allow USCIS to extend protections to those with bona fide asylum claims. USCIS also seeks to prevent certain criminal aliens from obtaining work authorization before the merits of their asylum application are adjudicated.

The proposed rule stems from the April 29, 2019, [Presidential Memorandum on Additional Measures to Enhance Border Security and Restore Integrity to Our Immigration System](#), which emphasizes that it is the policy of the United States to manage humanitarian immigration programs in a safe, orderly manner and to promptly deny benefits to those who do not qualify. Nothing in this rule changes eligibility requirements for asylum. Instead, this rule strengthens the standards that allow an alien to work on the basis of a pending asylum application.

“Our immigration system is in crisis. Illegal aliens are gaming our asylum system for economic opportunity, which undermines the integrity of our immigration system and delays relief for legitimate asylum seekers in need of humanitarian protection,” said Acting Director Ken Cuccinelli. “USCIS must take steps to address pull factors encouraging aliens to illegally enter the United States and exploit our asylum framework. These proposed reforms are designed to restore integrity to the asylum system and lessen the incentive to file an asylum application for the primary purpose of obtaining work authorization.”

As directed by the presidential memorandum, USCIS proposes to:

- Prevent aliens who entered the United States illegally from obtaining work authorization based on a pending asylum application, with limited exceptions; and
- Automatically terminate employment authorization when an applicant’s asylum denial is administratively final.

Additionally, USCIS proposes to:

- Clarify that an asylum applicant’s failure to appear for a required appointment may lead to dismissal of their asylum application and/or denial of their application for employment authorization;
- Prevent aliens who fail to file their asylum application within one year of their latest entry as required by law from obtaining work authorization; and
- Render any alien who has been convicted in the United States of any federal or state felony, or convicted of certain public safety offenses involving child abuse, domestic violence, or driving under the influence of drugs or alcohol, ineligible for employment authorization.

Unresolved arrests or pending charges may result in the denial of the application for employment authorization as a matter of discretion.

For more information, read the notice of proposed rulemaking that publishes in the Federal Register on Nov. 14. The comment period ends on Jan. 13, 2020.

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