

Center for the Victims of Torture

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.cvt.org/blog/healing-and-human-rights/new-proposed-rules-will-make-life-even-worse-asylum-seekers>

Public Facing Advocacy Writing

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His face dropped when I told Joseph* he would have to wait 180 days after the submission of his asylum application to apply for a work permit. A client in our St. Paul clinic, Joseph had owned two businesses back in his country; he lived a good life with his family. He had to flee because he was targeted and tortured on multiple occasions for an assumed affiliation with an opposition party. He has been in the U.S. a few months but has not yet filed his asylum application because of the time it takes to find an attorney and complete the application. He is doing everything he possibly can to rebuild a life and contribute to his new community.

Barriers of many kinds are common among our asylum-seeking clients. They often wait months before the application is complete. Then they wait another 180 days to apply for a work permit, and then they wait another month or more to receive it by mail from the U.S. government. Any money they might have fled with is likely long gone. They are ineligible for public benefits, so finding housing is challenging. The lucky clients are at least living with extended family and depending on their generosity, which will likely wane as the months go by and the strain of additional dependents weighs on families already living on the edge of poverty. These are the kinds of scenarios we work with on a daily basis at CVT.

Now, the White House has proposed to allow U.S. Citizenship and Immigration Services (USCIS), the agency in charge of granting and producing work authorizations, to take as long as the agency wishes to return the finalized permit once its filed. Currently USCIS must process work permit applications within 30 days. If the rule is approved, USCIS will have an indefinite period of time. On top of that, in November the Administration also proposed a rule that will charge new \$50 fees for asylum applications and \$490 fees for work permits. Neither fee would be waivable.

And it gets worse. The second rule that came out in November doubles the waiting time before an asylum applicant can obtain a work permit from 180 days to 365 days. So for Joseph, his waiting time just increased to a year. Among other restrictions, this also disqualifies individuals from obtaining work permits if they file the asylum application after one year of being in the United States.

We do not have to guess whether the White House took these steps to deter asylum seekers from coming to the United States the proposed rule clearly states that through this rule the Department of Homeland Security (DHS) seeks to reduce incentives and disincentiviz[e] illegal entry into the U.S.

These proposals will make our clients living situations much worse. And impossible for some.

In the published rule, the White House explains that a \$50 fee was established because they believe its a sum that can be easily paid in one installment. This is preposterous. The truth is that \$50 is an enormous amount of money for someone who has none. Most of our clients can only work with pro bono attorneys they have no money. The importance of each dollar they spend is such that our social workers brainstorm ways for clients to pay for \$3 prescription co-pays. They help clients figure out how to access food shelves and get donated winter clothing. \$490 is impossible for most. Waiting a full year after applying for asylum to apply for a work permit, and then waiting for an un-prescribed amount of time to be issued the permit will be devastating to our clients.

This is also a considerable loss in contributions from asylum seekers, in the form of labor they would have been providing, not to mention their monetary contribution to Medicaid and Social Security through their taxes. And this proposed fee is a sum they will be charged from which they will never benefit unless they get a positive grant of asylum.

Most of our clients have Post-traumatic Stress Disorder and Major Depressive Disorder. The symptoms related to these diagnoses are maintained and worsened when clients have nothing to do all day long. Many of our clients sit alone during the day at whatever temporary place they are staying, doing nothing. And doing nothing brings back reminders of their torture experiences, increased guilt for not being able to help family members back home, and increased hopelessness about a future. Work helps counterbalance all of this.

When our clients are able to go to work, we see a return to a sense of self, meaning, purpose. They are actively contributing to U.S. society both in their needed labor and by paying taxes. Why would we want these talented individuals to be idle and potentially pull on other systems as their health worsens?

These proposed rules are a new way to tell asylum seekers like Joseph that they are not welcome in the United States and to forego our responsibility to provide refuge to people fleeing torture and war. We must keep urging our Representatives and Senators to oppose these actions by the White House, and we must continue supporting organizations that help asylum seekers. We must challenge these cruel, punitive and devastating rules.

**Name has been changed for confidentiality and security purposes.*

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