



Court Does Not Expedite Work Permit Renewals for Asylum Seekers, Leaving Thousands Without Work or at Risk of Losing Jobs

SAN FRANCISCO, CA, Dec. 23, 2021—Yesterday a federal court denied preliminary relief in [Tony N. v. USCIS](#), a lawsuit challenging U.S. Citizenship and Immigration Services' extreme delays and failure to process work permit renewals for asylum seekers. The judge declined to order USCIS to process work permit renewal applications within the 180-day automatic extension of employment authorization.

The lawsuit, filed in the federal district court in the Northern District of California by the American Immigration Council, the Asylum Seeker Advocacy Project (ASAP), and Lakin & Wille LLP, seeks to force USCIS to address delays and timely process work permit renewal applications for asylum seekers who need work permits to maintain or resume their employment and support themselves and their families while awaiting adjudication of their asylum claims. While the court denied preliminary relief, the case will continue.

Despite nationwide worker shortages, asylum seekers with pending employment authorization renewals have lost or will lose their jobs because USCIS has delayed renewing their work authorization—sometimes taking eleven months or more to approve.

This loss of work authorization is occurring while the United States is facing a widespread national worker shortage. In October 2021, the U.S. Labor Department [reported](#) that there were 11 million job openings, whereas the number of individuals leaving employment was 4.2 million. Leading economic experts have long [maintained](#) that authorizing immigrants, like asylum seekers, to work can play a critical role in ameliorating labor shortages.

The following reaction is from:

Dayana Vera de Aponte, a member of the Asylum Seeker Advocacy Project from Venezuela and plaintiff in the case: “Before today, I was holding out hope that the courts would step in and force the government to process work permit renewal applications so I could get back to work. It has been over a month since I lost my job — on January 8th it will be two months. The judge in this case said not working for a month is not very long and not an emergency, but I know that most Americans know that is wrong! Especially at this time of year, I am frustrated that the court did not understand the impact being forced to be unemployed has on me and my family. We are not only missing payments and borrowing money from friends and family, but we are anxious and depressed — and have no idea how long this period of unemployment will last. I hope the government will process my work permit soon, so I can get back to work and support my family.”

Zachary Manfredi, litigation director at the Asylum Seeker Advocacy Project: “Hundreds if not thousands of ASAP members will lose their jobs over the holidays as a result of the court’s decision not to take action at this time. However, we will keep fighting for asylum seekers’ work permit renewal applications to be processed and for asylum seekers not to lose their jobs because of government delays. It is important to also highlight that this problem is entirely within the Biden administration's power to fix: the government has the authority to further extend work permits for asylum seekers by taking emergency regulatory action at any time. We hope that the Biden administration will recognize the crisis their delays have created for asylum seekers — many of whom are essential workers — who risk losing their livelihoods and ability to support their families in the middle of the ongoing pandemic.”

Emma Winger, staff attorney at the American Immigration Council: “We are disappointed with the court’s decision, which leaves so many people without jobs they need to support themselves and their families. But nothing in the decision prevents USCIS from stepping up and doing *its* job to timely process work permit renewals for asylum seekers. The government can and should ensure that asylum seekers it has already approved to work can keep their jobs, drivers’ licenses, and employee health insurance.”

The court’s ruling is available [here](#).