



Committee on Migration

c/o Migration and Refugee Services, USCCB

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Dear Senator/Representative:

I write on behalf of the U.S. Conference of Catholic Bishops' (USCCB) Committee on Migration to express our support for improved access to legal employment authorization for those with pending asylum claims. Given the pressing need for this reform, we are grateful to the cosponsors of H.R. 1325 and S. 255, the "Asylum Seeker Work Authorization Act of 2023." These bipartisan bills, with some differences between them, would significantly reduce the amount of time that bona fide asylum seekers must wait before applying for employment authorization, allowing them to begin the process of finding work and providing for themselves and their families in the United States. As a result, those having their asylum claims adjudicated will be less susceptible to human trafficking and other forms of exploitation. Secondly, these measures would offer a practical solution to our nation's current labor shortages by allowing asylum seekers to legally join the workforce and contribute to their local communities.

Asylum seekers in the United States have made the daunting decision to flee from their homes in search of safety and security. Measures such as H.R. 1325 and S. 255 would shorten the amount of time it takes for asylum seekers to be able to exercise their God-given right to sustain themselves and their families. We recall the words of Pope Francis, quoting Saint John Paul II, "Since 'work, by its nature, is meant to unite peoples', I encourage a determined effort to promote the social and professional inclusion of migrants and refugees, guaranteeing for all—including those seeking asylum—the possibility of employment."¹ In *Fratelli tutti*, Pope Francis also described the possibility of employment for those who are fleeing grave humanitarian crises as an "indispensable step" in welcoming, protecting, promoting, and integrating the newcomer.

Currently, federal law states that an asylum seeker in the country must wait six months after filing an application for asylum to be eligible for work authorization. Additionally, due to backlogs and delays at U.S. Citizenship and Immigration Services (USCIS), some may wait several months beyond that for adjudication of their work permit. Such delays lead this vulnerable population to pursue employment without authorization, which can in turn create situations of exploitation and abuse.² With no other legal option, some asylum seekers are forced to turn to social services, charity, and emergency care in order to meet their most basic needs.

¹ Message of His Holiness Pope Francis for the 104th World Day of Migrants and Refugees (Jan. 14, 2018), https://www.vatican.va/content/francesco/en/messages/migration/documents/papa-francesco_20170815_world-migrants-day-2018.html.

² See, e.g., Jacquelyn Pavilon & Vicky Virgin, *Climbing the Ladder: Roadblocks Faced by Immigrants in the New York City Construction Industry*, CENTER FOR MIGRATION STUDIES (May 2022), <https://cmsny.org/wp-content/uploads/2022/05/5.23.22-Climbing-the-Ladder-Roadblocks-Faced-by-Immigrants-in-the-New-York-City-Construction-Industry.pdf>.

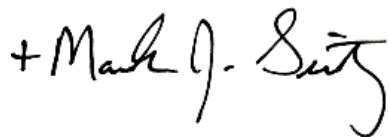
Both H.R. 1325 and S. 255 would allow asylum seekers to be granted work authorization thirty days after applying for asylum. To guard against use of the asylum system for purely economic reasons, both the House and Senate bills limit eligibility for this increased access to employment authorization for those “whose application for asylum has not been determined frivolous.”

The United States lost millions of workers during the COVID-19 pandemic and is currently facing a labor shortage that is impacting all industries throughout the country.³ However, a recent study by the U.S. Department of Health and Human Services has found a positive net fiscal impact of refugees and asylees on the U.S. economy. From 2005 to 2019, these populations have made a net contribution of \$123.8 billion to our economy at both the federal and state levels.⁴ As our nation grapples with a potential labor crisis, we should consider the positive societal benefits of empowering more asylum seekers to work legally while their claims are adjudicated.

In contrast to S. 255, the House version of the Asylum Seeker Work Authorization Act would not require entrance and inspection at an authorized port of entry for eligibility. This difference is critical for addressing the needs of asylum-seeking individuals and families who are forced to seek safety between ports of entry. Given the regrettable history of persecuted persons being returned to life-threatening situations prior to the Refugee Act of 1980, our nation’s laws permit an individual to claim asylum regardless of the manner in which he or she entered the United States.⁵ As such, timely access to employment authorization should be consistent with this right and made equally available to all those seeking asylum.

For these reasons, we ask that you take up and pass the Asylum Seeker Work Authorization Act of 2023, reconciling the differences between the House and Senate versions to reflect U.S. asylum law generally.

Sincerely,

A handwritten signature in black ink that reads "+ Mark J. Seitz". The signature is written in a cursive, slightly slanted style.

Most Reverend Mark J. Seitz
Bishop of El Paso
Chairman, USCCB Committee on Migration

(finding that employers often use workers’ lack of legal status as a bargaining chip to underpay them); *see also* Susan Ferriss & Joe Yerardi, *Wage Theft Hits Immigrants—Hard*, PBS (Oct. 14, 2021), <https://www.pbs.org/newshour/economy/wage-theft-hits-immigrants-hard> (reporting that an analysis of Labor Department and U.S. Census Bureau data found that industries with higher percentages of foreign-born workers had higher rates of wage theft).

³ Stephanie Ferguson & Isabella Lucy, *America Works Data Center*, U.S. CHAMBER OF COMMERCE (Mar. 27, 2024), <https://www.uschamber.com/workforce/america-works-data-center>.

⁴ U.S. Dep’t of Health and Human Serv., *New HHS Study Finds Nearly \$124 Billion Positive Fiscal Impact of Refugees and Asylees on the Economy in a 15-Year Period* (Feb. 15, 2024), <https://www.hhs.gov/about/news/2024/02/15/new-hhs-study-finds-nearly-124-billion-positive-fiscal-impact-refugees-and-asylees-on-american-economy-15-year-period.html>.

⁵ 8 U.S.C. § 1158(a)(1) (“Any alien who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters), irrespective of such alien’s status, may apply for asylum in accordance with this section”).