

Division of Humanitarian Affairs
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
5900 Capital Gateway Drive
Camp Springs, MD 20746

April 24, 2026

RE: Employment Authorization Reform for Asylum Applicants: DHS Docket No. USCIS-2025-0370; RIN 1615-AC97

To whom it may concern,

Pursuant to notice issued on February 23, 2026, Hispanic Federation (HF) submits this comment urging withdrawal of the combined rulemakings (“the Rule”) overhauling the process by which United States Citizenship and Immigration Services (USCIS) assessed and provides Employment Authorization Documents (“EADs”), or work permits, to individuals with pending asylum cases. The Rule punitively modifies decades of USCIS and Department of Homeland Security’s (DHS, hence “the Department”) policy prioritizing the provision of EADs to prospective asylees. The Rule would cause widespread damage to communities across the United States, including catastrophic wage losses and forfeited productivity, undermining economic prosperity and harming small businesses. USCIS would inflict these harms for nebulous benefit, reflecting clearly arbitrary decision-making that seemingly flouts court orders. The Rule would destabilize the workforce, disrupt employer operations, and inflict severe harm on workers and the broader economic interests they support, solely as an unproven backstop to address government processing delays while ignoring policy alternatives USCIS directly outlines. As such, Hispanic Federation calls upon DHS and USCIS to withdraw the Rule in full.

1. Hispanic Federation Interest in Rule

Hispanic Federation is a nonprofit membership and advocacy organization with a network of 850 organizations across the country. HF is committed to empowering and advancing the Hispanic community, with a focus on low-income, marginalized, and immigrant Latines. With programs in 43 states and territories, including Puerto Rico, the U.S. Virgin Islands and the District of Columbia, HF’s focus areas include immigration, economic empowerment, civic engagement, disaster relief, philanthropy, education, health, and the environment. Our network includes sixty-eight organizations whose core programmatic areas include housing initiatives, from fair housing to housing improvement to sheltering those facing domestic violence. HF also maintains ongoing

housing access advocacy campaigns and meets the organizational development needs of its member agencies through grant-making and capacity-building assistance.

Per USCIS's invitation to interested parties to submit relevant written data, views, or arguments on the proposed rule, we address here the Rule's predictably harmful consequences on key industries, including health care, food production, and construction, likely knock-on effects on local communities, and questionably legal procedural dimensions. We also note concerns about the underlying impact analysis, including inadequate elaboration of purported benefits from the Rule. Ultimately, the Rule would undermine economic prosperity and jeopardize key industrial sectors while harming communities, all to compensate for administrative backlogs at DHS.

2. The necessity of policy prior to implementation of the Rule

Asylum is a statutory right by US and international law. Prospective asylees come to the United States seeking refuge from persecution, violence, or other unstable conditions. In turn, those individuals face intense scrutiny into the validity of their claims, with even children and families subjected to rigorous screening. It is only reasonable that prospective asylees should seek means to support themselves and their families while their cases are under consideration. Currently, asylum seekers may apply for an EAD 150 days after their application for asylum is received,¹ and USCIS must decide the application within 30 days, as USCIS itself notes.² This timeline reflects DHS's longstanding recognition that it would be inappropriate to leave asylum seekers unable to support themselves any longer than 180 days while the government adjudicates their asylum claims. With asylum guaranteed by U.S. statute and international law to which the U.S. is a signatory,³ the U.S. must continue to accept and process asylum applications.

If prospective asylees were not empowered to obtain work to support their families, as the Rule effectively proposes, vulnerable refugees and others would either be left depend wholly upon limited, immigration-status agnostic state and local programs, community-based charitable programs, forced into undocumented labor arrangements, or face social and economic isolation, including potential homelessness and hunger. Such an outcome would be not only societally unacceptable, but also disproportionately distributed according to race/ethnicity. Simultaneously, it would have the anticipated effect of reducing, if not outright halting, incoming asylum applications to the United States – an effect that USCIS itself acknowledges as intentional, in potential violation of the Administrative Procedure Act (“APA”).⁴

¹ See 8 CFR §§ 274a.12(c)(8); 208.7(a).

² See *Gonzalez Rosario v. USCIS*, 365 F. Supp. 3d 1156 (W.D. Wash. 2018) (enjoining USCIS from further failing to adhere to the 30-day deadline for adjudicating EAD applications for asylum applicants), as noted at 22 of “Employment Authorization Reform for Asylum Applicants,” 2026-03595 (91 FR 8616): United States Citizenship and Immigration Service, DHS: February 23, 2026, <https://public-inspection.federalregister.gov/2026-03595.pdf?1771595129>, (hence “USCIS NPRM”).

³ Convention Relating to the Status of Refugees (adopted July 28, 1951, entered into force Apr. 22, 1954) 19 U.S.T. 6259, 189 U.N.T.S. 137 (“Refugee Convention”); Protocol Relating to the Status of Refugees (adopted Jan. 31, 1967, entered into force Oct. 4, 1967) 19 U.S.T. 6223, 606 U.N.T.S. 267 (“Protocol”), cited at 138, USCIS NPRM, abbreviation convention adopted here.

⁴ USCIS NPRM at 145.

The United States needs immigrant workers to perform crucial jobs from home health to home construction, and immigrants need access to employment authorization to secure the right to dignified, legal, sustainable employment. In the summer of 2024, almost 1.5m employment authorization documents (EAD's, aka, work permits) awaited processing,⁵ leaving an expansive workforce idle. Far from addressing this concern, the Rule will instead exacerbate labor shortages, extending the mandatory waiting time for EADs considerably and driving many more out of the EAD pool entirely. Despite USCIS's repeated assertions, reducing immigration and enforced deportations do not increase jobs for U.S. citizens.⁶ It is economically destructive to attempt to solve a shortfall of bureaucratic capacity by truncating the pool of eligible applicants through imposing more red tape.

Immigrant workers drive the American economy. Immigrants represent a staggeringly high rate of essential workers, including in construction, farmwork, fabrication, and maintenance; many of these essential immigrant workers are Latino.⁷ Likewise, the economic contribution of immigrants, who pay taxes, including Social Security payroll taxes without eligibility for federal entitlements, is helping ensure current and future retirees are receiving their full benefits. Immigrant workers are essential not only in the agricultural sector, but in supporting the rural economies which sustain America's breadbasket. Rural demographic analysis shows that while rural counties have faced a natural population decrease of over 100,000 since the pandemic, immigration offsets those decreases. Without immigration, over 50% of rural America would instead have faced population declines.⁸ These data clarify the irreplaceable role of immigrant laborers in this country, and therefore, of reasonable access to EADs for asylum applicants.

3. The Rule is Premised upon Faulty Assumptions and Arbitrary Analysis

For over 30 years, federal policy has recognized that asylum seekers should be able to work legally while their claims are pending.⁹ The NPRM would abruptly dismantle this longstanding framework without adequately addressing the substantial reliance interests that have developed around it.¹⁰ The current system provides stability and predictability: when asylum applicants

⁵ U.S. Citizenship and Immigration Services, I-765, Application for Employment Authorization, Counts of Pending Petitions by Days Pending For All Eligibility Categories and (c)(8) Pending Asylum Category, June 30, 2024, https://www.uscis.gov/sites/default/files/document/data/i765_p_allcat_c08_fy2024_q3.xlsx. (Accessed 5/9/25.)

⁶ "Mass deportations don't lead to more jobs for Americans. Why does the myth persist?" *Make Me Smart*: Ep. 1557, *Marketplace*, Apr. 23, 2026, <https://www.marketplace.org/episode/2026/04/23/mms-423> (Accessed 4/24/26.)

⁷ <https://www.pewresearch.org/race-and-ethnicity/2016/11/03/occupations-of-unauthorized-immigrant-workers/> (Accessed 7/10/25); <https://www.wusf.org/politics-issues/2023-11-30/undocumented-living-working-floridas-strict-immigration-law-palm-beach> (Accessed 7/10/25)

⁸ Sarah Melotte, "International Immigrants Drive Rural Population Growth," *Daily Yonder*, 5/28/25. (Accessed 5/29/25.)

⁹ See *Rules and Procedures for Adjudication of Applications for Asylum or Withholding of Deportation and for Employment Authorization*, 59 Fed. Reg. 62,284 (Dec. 5, 1994).

¹⁰ See *FCC v. Fox Television Studios, Inc.*, 556 U.S. 502, 515–16 (2009) (noting that an agency must sufficiently explain its decision when it departs from a previous position, which requires a "reasoned explanation" as to

meet the regulatory requirements, USCIS is generally required to grant work authorization barring a major change in circumstance, allowing both workers and employers to plan ahead and rely on a transparent process.¹¹

Over time, asylum seekers, their families, employers, and communities have come to rely on this framework. Timely work authorization allows asylum seekers to support themselves, maintain stable housing, and provide for their families while they wait—often for years—for the government to decide their cases. Employers and coworkers across the country also rely on asylum seekers as part of the workforce, and labor unions count asylum seekers amongst their ranks. Today, more than 2.3 million asylum seekers are employed in essential sectors, including industries such as construction and transportation that face persistent labor shortages.¹²

The NPRM would overturn this system based on several faulty premises and lackluster analysis. The Department is remarkably inconsistent in its underlying justification for the Rule, arguing in some places that the Rule is an unfortunate necessity in the face of processing backlogs that have ostensibly grown unsupportable, while at others framing it as a beneficial intervention aimed at reducing rates of asylum application. These contradictions belie the entire purpose of the Rule, and suggest an underlying capriciousness that warrants closer inspection. At numerous junctures, the Department acknowledges that “DHS cannot currently quantify all of the potential benefits of this proposed rule.”¹³ USCIS proposes that the Rule could lead to a reduction in crime, relying upon tired tropes falsely correlating increased immigration with crime rates. In point of fact, multi-approach meta-analyses like those conducted by Ousey and Kubrin (2018) have shown there to either be no causal or even a negative correlation between immigration and crime, suggesting that anti-immigration policies are if anything only likely to *increase* local crime.¹⁴ This misrepresentation of underlying research and reality warrants withdrawing the Rule for further analysis.

Likewise, USCIS posits that positions vacated by prospective asylees forced to leave their jobs because of the Rule might be filled by U.S. citizen workers, despite wide-ranging literature demonstrating that the labor market for immigrant and nonimmigrant workers is in fact directly correlated, such that the Rule may only be expected to *decrease* the number of positions available to citizen workers.¹⁵ Likewise, local increases in the employment of immigrants has routinely demonstrated that increasing employment among the immigrant population increases

why it is “disregarding” any “factual findings . . . which underlay its prior policy” and “contradict” the factual findings underlying its new policy).

¹¹ See 8 CFR 274.a13(a)(1) (“The approval of applications filed under 8 CFR 274.a12(c), except for 8 CFR 274a.12(c)(8), are within the discretion of USCIS.”)

¹² See fwd.us, *People seeking asylum are contributing to the workforce* (Jan. 31, 2026), <https://www.fwd.us/news/people-seeking-asylum-are-contributing-to-the-workforce/>.

¹³ USCIS NPRM at 18.

¹⁴ Graham C. Ousey and Charis E. Kubrin, “Immigration and Crime: Assessing a Contentious Issue,” *Annual Review of Criminology*, No. 1, 2018. p.63-84.

¹⁵ “Mass deportations don’t lead to more jobs for Americans. Why does the myth persist?” *Make Me Smart*: Ep. 1557, *Marketplace*, Apr. 23, 2026, <https://www.marketplace.org/episode/2026/04/23/mms-423> (Accessed 4/24/26.), referencing research from the National Bureau of Economic Research and the Economic Policy Institute.

employment across sectors and demographics,¹⁶ giving truth to the adage that a rising tide lifts all boats. Again, this inaccurate representation of the economic impact of the Rule raises meaningful questions about the Department's overall analysis. Consequently, Hispanic Federation urges the Rule be withdrawn

The Department further argues that the Rule is an unfortunate necessity in light of there being no further meaningful policy alternatives it may consider, suggesting that the only plausible alternatives were an outright elimination of EAD's for asylum applicants, revisiting previous efforts to end minimum processing times entirely that were blocked by court order, or increasing the mandatory wait time for EADs for asylum applicants by several years. USCIS reasonably dismissed each of these alternatives in recognition of their legal implausibility and likely deleterious consequences to communities across the country. However, USCIS pointedly does not consider supporting alternatives that the Department itself acknowledges "supported backlog reduction and decreased overall processing times," including implementation of technology to automate case processing, improved interview scheduling, and improved staffing.¹⁷ Particularly in light of markedly increased funding at DHS, the failure to consider expansion of policies that the Rule recognizes were successful at reducing the asylum backlog without imposing economically harmful and legally questionable cuts to the underlying asylum program suggests that the Rule may in fact be targeted at asylum itself, rather than the backlog, in turn warranting the withdrawal of the Rule on grounds of inappropriate intent. Otherwise, those measures should be directly considered as policy alternatives, with the Rule withdrawn during the interim reassessment period.

While the Department is vague and often erroneous in stated benefits to the Rule, the outlined costs are clear. Underlying Regulatory Analysis concludes that "lost compensation... could range from \$34.6 billion to \$126.6 billion annually."¹⁸ The Department briefly raises very real concerns that asylum applicants newly-barred from working who previously held steady employment would "require assistance from their support and social networks, which could include public entities," but dismisses these concerns as immaterial without attempting to quantify their costs.¹⁹ As a premier Latino and immigrant-serving umbrella organization, Hispanic Federation only too cognizant of just how costly suddenly forcing hundreds of thousands of previously employed immigrant workers into unemployment would be to communities and the nonprofits which support them.

Furthermore, the Department scarcely elaborates upon the reliance interests of prospective asylee workers and their employers. Upwards of \$125 billion dollars in annual lost wages would have prejudicially detrimental impacts upon workers. Likewise, their sudden loss of work status would deprive federal, local, and state governments of considerable tax contributions – indeed,

¹⁶ E.g. Marcelo Castillo and Diane Charlton, "Housing Booms and H-2A Agricultural Guest Worker Employment," presented at the 2021 International Conference of Agricultural Economists, Online. ; Audrey Holtkamp and Peter F. Orazem, "H-2A Wages and Livestock Farm Labor Demand," *Journal of Agricultural and Resource Economics*, 2024, as well as Rutledge et al., 2025.

¹⁷ USCIS NPRM at 70-72.

¹⁸ USCIS NPRM at 21.

¹⁹ USCIS NPRM at 148.

contributions that historically exceeded the value of their benefits received.²⁰ These wages would not have been generated immaterially, but of course have stemmed from the productive value of their labor. While the Department recognizes that “companies could incur a cost to productivity and potential profit,”²¹ there is no meaningful effort at quantifying these costs. Suffice to say, the overall industrial and societal value generated commensurate to \$126.6 billion in wages would exceed the sum of its parts. Nonetheless, USCIS entirely failed to consider the reliance interests of other stakeholders who rely on regulatory stability preventing immigrant communities from suffering government-caused lapses in employment authorization. These other stakeholders include state, city, and local governments; entire regional economies; educational institutions; healthcare providers; legal and social service providers; and the broader public, among others. Notably, the Rule suggests that there would be no effect on Small Entities worth considering, despite the clear reduction in productivity and consumer spending that implementing the Rule would trigger.²² Hispanic Federation’s network and programming include an array of small business support and interest work, informing our certainty that the sudden depletion of labor productivity, wages, and spending on the scale asserted by the Department would in fact be devastating to millions of Small Entities, including small businesses. Consequently, the Rule should be withdrawn.

Hispanic Federation is particularly concerned about the impact the Rule will have upon schools in locales with higher rates of immigrants, entangled businesses beyond those which directly employ EAD-holding workers, and the broader American public by way of impacts on the food supply. The Department of Agriculture has recently acknowledged the worsening downstream impact on the American food supply, in consequence of the Administration’s broadening immigration enforcement regime.²³ In turn, the Rule will harm working American families, food processors, and grocers alike. These realities belie the Department’s assertion that the Rule would not have a regulatorily significant effect on families.²⁴ In turn, the Rule should be discarded on grounds of both procedural faults and material inefficacy.

4. Hispanic Federation Serving Relevant Initiatives

Hispanic Federation and its network have been serving the fair housing need of marginalized communities for decades through programs coordinating fair housing reporting, administrative case work aid, and housing support. As an umbrella organization, Hispanic Federation and our network have a proven track record of designing and launching national, state-wide, and locally focused economic empowerment programs, including personal financial management, affordable housing initiatives, and domicile remediation. Likewise, Hispanic Federation has considerable

²⁰ Robin Ghertner, Suzanne Macartney, and Meredith Dost, “The Fiscal Impact of Refugees and Asylees at the Federal, State, and Local Levels from 2005-2019,” Report of the assistant Secretary for Planning and Evaluation: Feb. 2024.

²¹ USCIS NPRM at 150.

²² USCIS NPRM at 202

²³ DOL Docket No. ETA-2025-0008, RIN 1205-AC24

²⁴ USCIS NPRM at 202.

experience connecting new Americans to economic opportunity including case management, and navigation services to vulnerable migrants and asylum seekers. Such programs include:

- *Welcoming New York:* A New York Statewide initiative providing legal screenings for asylum seekers, pro-se assistance for asylum applications, EADs, and Temporary Protected Status applications. This work is conducted in conjunction with both external attorneys and Department of Justice representatives. HF has served over 18,000 immigrants through 33 partner organizations through this program's universal service model. HF's leadership in this program highlights our experience cooperating with federal officials on sensitive agenda, including on asylum.
- *Florida's HELLO Program:* Through Florida's HELLO (Help, Education, Legal Assistance, Listening, Outreach) program, HF conducts monthly workshops with the Orlando Center For Justice to provide immigrant community members, including newly arrived migrants, with culturally and linguistically competent information about the immigration system in America. This includes free legal guidance with trained lawyers and staff to help participants navigate this immigration system. HF's experience serving the immigrant community in Florida is particularly relevant to our assessment of the proposed maritime expansion of the Circumvention of Legal Pathways rule.
- *Latino Digital Accelerator and Digital Center of Excellence:* The Latino Digital Accelerator program is designed to strengthen the organizational capacity, programmatic offerings, and reach of Latino-focused nonprofit organizations involved in digital workforce development. The Latino Digital Center of Excellence is HF's centralized hub of information that can help nonprofits build their capacity and share resources – including research, curriculum development, and other learnings – that can strengthen their digital skilling programs.

5. Conclusion

EADs are a *sine qua non* for millions of essential workers across the country. From home health to home building, immigrant workers come to this country precisely to address gaps in the domestic labor supply. Past rulemakings have acknowledged not only their contributions but also the barriers these immigrants face to simply doing work that needs to be done. Likewise, Asylum has been a material and statutory pillar of American international and immigration policy for decades, supported by law and rulemaking alike. The provision of EAD's to asylum applicants has been a necessary reflection of the requirement that the U.S. process asylum applicants and that in turn those prospective asylees and their communities have a reasonable interest in their being able to sustain themselves. The Department correctly recognizes that there is a meaningful, even disruptive backlog to affirmative asylum applications. However, the proposal to subsequently halt the provisioning of EAD's to asylum applicants for a period of up to 173 years²⁵ is facially absurd, particularly when there exist other alternatives that could reasonably support reducing the backlog without undermining local and regional economies. The

²⁵ USCIS NPRM at 99.

Department's proposal to modify current policy is not only harmful but also nonsensical. Consequently, Hispanic Federation calls for full withdrawal of the NPRM.

Sincerely,

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Hispanic Federation