



STATE OF WASHINGTON
Office of the Governor

January 13, 2020

Chad F. Wolf
Acting Secretary
Department of Homeland Security
20 Massachusetts Avenue NW
Washington, DC 20529

RE: DHS Docket No. USCIS-2019-0011, *Asylum Application, Interview, and Employment Authorization for Applicants* (November 14, 2019)

Dear Acting Secretary Wolf:

On behalf of the state of Washington, I write to express my strong opposition to the U.S. Department of Homeland Security's (DHS) proposed rule restricting the ability of asylum seekers to find work, while denying employment authorization for many asylum seekers altogether. This odious and un-American proposal ignores our nation's longstanding tradition of welcoming those seeking protection from violence and conflict abroad, and does nothing to achieve its stated goal of improving the asylum system. I urge that it be withdrawn.

For the past three years, DHS and other federal agencies have advanced an unprecedented number of schemes to undercut legal pathways for immigration to the United States. Many of these efforts reflect an unambiguous attempt by the Trump Administration to shutter access to the American Dream for anyone not already replete with privilege. This rule is no different.

Indeed, those seeking asylum often fall at the opposite end of the economic spectrum, having fled violence and persecution with little more than the clothes on their backs. Rather than offering solace and upholding the values inscribed on the Statue of Liberty, this Administration has issued a series of harmful proposals making it virtually impossible to seek asylum in the U.S. without financial means — such as by imposing exorbitant fees for asylum applications and employment authorization renewals, and by rescinding the 30-day deadline for adjudicating applications for work permits, among others.

With this rule, DHS seeks to further impair one of the most important forms of relief available to asylum applicants: the ability to find work. It does so under the guise of improving the asylum process, while failing to achieve anything of the sort. Despite a total lack of evidence that such a change is necessary, DHS proposes to require that *all* asylum applicants wait 365 days before



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even *applying* for employment authorization. If finalized alongside the rescission of the 30-day processing deadline, lawful employment will no longer be available to a single asylum seeker in the U.S. until 395 days after the date of asylum application. Given the backlogs facing the federal government, this delay may be much longer for many.

These harmful changes are certain to drive thousands of asylum applicants deeper into poverty and expose them to further exploitation. Make no mistake, the proposed rule will not stop people from seeking employment. Instead, they will be forced to turn to the shadow economy, where wage theft and unsafe conditions run rampant. When unsuccessful there, they will find themselves without food and shelter.

Additionally, it will cause significant economic harm across the country, including damage to Washington's economy and industries. Your agency's own analysis recognizes the negative economic impact of its proposal, citing significant projected decreases in wages, business profits and tax revenues.¹ Like many of this Administration's initiatives, it will also increase reliance on state-funded programs and require a diversion of state resources from other important efforts. All of these harms are entirely avoidable, as the Immigration and Nationality Act already provides a clear process for DHS to achieve its stated goal of uncovering and penalizing frivolous applications for asylum.² There is no excuse for advancing such a harmful and needless rule.

Taken together, these policy proposals leave little doubt that the Administration hopes to bring about a complete cessation of asylum in the United States. Washington has made clear time and again our opposition to that goal — and our commitment to welcoming those fleeing violence and conflict abroad. For these reasons and those stated above, I urge you to abandon this misguided proposal and withdraw it from consideration.

If you have any questions about this, please contact my Special Assistant, Alejandro Sanchez, at alejandro.sanchez@gov.wa.gov or the Director of my Washington, D.C. office, Casey Katims, at casey.katims@gov.wa.gov. Thank you.

Very truly yours,



Jay Inslee
Governor

CC: Samantha Deshommes, Chief, Regulatory Coordination Division

¹ *Asylum Application, Interview, and Employment Authorization for Applicants*, Docket No. USCIS-2019-0011, at 62382 (November 14, 2019).

² 8 USC §§ 1184(d)(4) and (6).



U.S. Citizenship
and Immigration
Services

February 24, 2020

The Honorable Jay Inslee
Governor
State of Washington
P.O. Box 40002
Olympia, Washington 98504

Dear Governor Inslee:

Thank you for your January 13, 2020 letter regarding a proposed rule related to employment authorization for asylum seekers. The Acting Secretary asked that I respond on his behalf.

We have submitted your letter to the appropriate U.S. Citizenship and Immigration Services (USCIS) office to include in the Notice of Proposed Rulemaking docket as a public comment, and we will carefully consider your concerns.

Thank you for your interest in this issue. Should you wish to discuss this matter further, please do not hesitate to contact the USCIS Office of Legislative and Intergovernmental Affairs at (202) 272-1940.

Sincerely,

A handwritten signature in blue ink, appearing to be "J Edlow", followed by a long horizontal flourish line.

Joseph Edlow
Deputy Director for Policy