

Press Release

Agreement Reached in National Class Action Lawsuit on Work Authorization for Asylum Seekers

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Boston, MA – The Department of Justice and the Department of Homeland Security have agreed to settle a nationwide class action lawsuit challenging the denial of work authorization to asylum seekers who have been waiting six months or more for a decision on their asylum applications. If approved by a federal judge, this agreement will help ensure that asylum seekers, who have fled persecution in their home countries, are not unlawfully prevented from working and supporting their families while the government adjudicates their cases. The settlement agreement represents the culmination of years of advocacy by the American Immigration Council’s Legal Action Center (LAC) and other groups on behalf of deserving asylum seekers.

The agreement stems from a case filed in December 2011 by the LAC and the Northwest Immigrant Rights Project (NWIRP), with co-counsel from the Massachusetts Law Reform Institute and the Seattle law firm Gibbs Houston Pauw. The complaint challenged widespread problems with the “asylum clock”—the system government agencies use to determine when immigrants who have applied for asylum may obtain permission to work lawfully in the United States.

The case, filed on behalf of asylum-seekers around the country, alleged that the current system unlawfully denies asylum applicants the opportunity to obtain employment authorization if their asylum application has been pending for six months or more. Some end up waiting several months or years for the government to make a decision on their asylum application. Indeed, one plaintiff from China has been waiting nearly 10 years for his case to be resolved. Employment authorization is critical given that most applicants have fled their home countries without any resources, and thus have no means to support themselves.

“The settlement agreement includes significant changes to ensure that vulnerable asylum-seekers are no longer arbitrarily deprived of the ability to work while the government decides their cases,” according to Mary Kenney, Senior Staff Attorney with the Legal Action Center.

“We are extremely pleased that we were able to achieve a solution that we believe will help hundreds, if not thousands, of people seeking asylum,” said Chris Strawn, director of the asylum unit at NWIRP.

“Many asylum seekers who were stuck in limbo, without any way to support themselves or their family members while waiting for their asylum applications to be resolved, will now be able to obtain employment authorization,” said Iris Gomez, an attorney who directs the Immigrants Protection Project at Massachusetts Law Reform Institute.

"Getting work authorization has been a huge benefit to me and my family, allowing us to sustain ourselves while waiting for a decision on my asylum application," said B.H., one of the named Plaintiffs in the suit.

Because the suit involves a class action, the settlement agreement, filed April 12, 2013 in a federal district court in Washington State, will have to be approved by Judge Richard Jones, the judge overseeing the case.