

Court Approves Settlement in National Class Action Lawsuit on Work Authorization for Asylum Seekers

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Washington, DC – On Monday, November 4, U.S. District Court Judge Richard Jones ordered the final approval of a nationwide class action [settlement agreement](#) [1]. The settlement 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 changes will commence on December 3, 2013.

The agreement stems from a [case](#) [2] filed in December 2011 by the American Immigration Council and the Northwest Immigrant Rights Project (NWIRP), with co-counsel from the Seattle law firm Gibbs Houston Pauw and the Massachusetts Law Reform Institute. 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 applications have 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 applications. Indeed, one plaintiff from China had been waiting nearly 10 years for his case to be resolved.

“Under the settlement agreement, the process for getting work permits will be more transparent and fair, and the government will be more accountable for errors in determining asylum seekers’ eligibility for work authorization,” according to Mary Kenney, Senior Staff Attorney with the American Immigration Council.

“We are very excited that after the Court’s order, we are only four weeks away from changes that will help thousands of asylum seekers, people who were placed in desperate circumstances, unable to seek employment to support themselves and their families while waiting for their asylum applications to be resolved,” said Chris Strawn, director of the asylum unit at NWIRP.

Among the benefits of the settlement: asylum seekers with Immigration Court cases may now present their asylum applications to the Court immediately, without having to wait months for an initial hearing before an Immigration Judge; certain asylum seekers whose cases have been pending on appeal will now be able to obtain work authorization when the Board of Immigration Appeals remands their case to an Immigration Judge; asylum seekers and their attorneys will be provided with more effective notice so that they do not inadvertently accept hearing dates which preclude work authorization.

The successful conclusion of this lawsuit will bring clarity and accountability to a problem that has plagued the asylum process for decades and has impacted thousands of immigrants trapped in a cycle of delay and denial of the right to work.

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