

The Department of Homeland Security (DHS) has announced a proposed rule aimed at tightening the asylum and work authorization process. The core idea is simple. DHS wants to reduce what it describes as an incentive for people to file meritless or fraudulent asylum applications primarily to obtain a work permit while their case is pending.

If finalized, the rule would change **filing and eligibility requirements** for employment authorization based on a pending asylum application, and it would likely affect both new filings and people already in the pipeline, depending on how the final rule is written.

## What DHS says is driving the change

DHS is pointing to a sharp increase in asylum based work permit applications, and the strain this puts on U.S. Citizenship and Immigration Services (USCIS).

According to the agency:

- Applications for employment authorization tied to pending asylum claims have reached a **historic high**.
- USCIS resources are being stretched as more applicants seek work authorization during the waiting period.
- USCIS currently has **more than 1.4 million pending affirmative asylum claims**, which DHS notes is roughly equal to the population of New Hampshire.

In DHS's framing, the combination of high volumes and long processing times creates an environment where filing an asylum application can become, for some, a strategy to access employment authorization rather than a good faith request for protection.

A DHS spokesperson stated that, in the agency's view, "a fraudulent asylum claim has been an easy path to working in the United States," and that the department is proposing changes to "restore integrity" to asylum and work authorization processes. DHS also emphasized that "aliens are not entitled to work while we process their asylum applications."

## What the proposed rule would do (in plain English)

DHS has said the rule is intended to reduce frivolous, fraudulent, or otherwise meritless asylum claims by adjusting:

- **When someone can apply** for an asylum based employment authorization document (EAD), and or
- **Whether they qualify** based on certain filing and eligibility requirements.

The agency's stated operational goal is to free up USCIS capacity so it can focus more on:

- Adjudicating pending asylum claims, including long-standing backlog cases, and
- Other applications and petitions currently competing for the same limited staff and resources.

This proposal also aligns, according to DHS, with **President Trump's Executive Order 14159, "Protecting the American People Against Invasion."**

## Timing and what happens next

This is a proposed rule, not a final rule.

Here's the process from here:

- DHS will publish a [Notice of Proposed Rulemaking \(NPRM\)](#) in the [Federal Register](#).
- There will be a **60 day public comment period** starting after publication.
- After reviewing comments, DHS can revise the proposal and then issue a final rule, or choose not to finalize it.

The details that matter most for asylum applicants will be in the Federal Register notice. That is where you'll see the exact language on eligibility, timing, exceptions, and how DHS intends to treat pending cases.

## Why this matters if you are seeking asylum

For many asylum applicants, the ability to work legally while their case is pending is not a side issue. It is how people pay rent, support children, and stabilize while they wait.

So any rule that changes EAD eligibility requirements can have real consequences, including:

- Delays in obtaining initial work authorization
- Increased risk of denial if filing requirements are not met exactly
- Higher stakes for incomplete, inconsistent, or poorly documented asylum filings
- Greater emphasis on screening and credibility indicators early in the process

Even if you have a legitimate claim, technical mistakes can create avoidable problems. And under a tightening framework, small errors tend to matter more.

## How a law firm can help right now

If you are considering asylum, already filed, or are preparing an EAD application based on a pending asylum case, this is the moment to get your paperwork and strategy clean.

A law firm can help by:

- **Evaluating eligibility and risks** before you file, including whether asylum is the right pathway for your facts
- **Preparing a consistent, well documented asylum application** that anticipates credibility scrutiny
- **Avoiding timeline and filing errors** that can trigger delays or denials for related benefits like work authorization
- **Responding to USCIS requests** (RFEs, Notices of Intent, interview prep) with a clear, organized record
- **Tracking rule changes** and advising how a final rule could impact your specific situation, including people with pending cases

If you want to submit a public comment during the 60 day window, counsel can also help

you do that in a way that is specific, credible, and useful to the rulemaking record.

## **Bottom line**

DHS is proposing a rule it says will reduce fraudulent or meritless asylum filings by changing how asylum related work permits are requested and granted, while also reducing processing strain and backlog at USCIS. The proposal is not final yet, but it signals a stricter posture and more screening pressure on asylum filings overall.

If your ability to remain stable in the U.S. depends on an asylum filing and work authorization, do not treat this like a standard form submission. Get legal guidance early, build the record carefully, and stay ahead of deadlines and policy changes.