

Comment in Opposition to DHS Proposed Rule: Employment Authorization Reform for Asylum Applicants (DHS Docket No. USCIS–2025–0370; RIN 1615–AC97)

To Whom It May Concern:

We respectfully submit this comment in strong opposition to the Department of Homeland Security (DHS) Notice of Proposed Rule Making (“NPRM” or “proposed rule”), DHS Docket No. USCIS–2025–0370 CIS No. 2799–25; RIN 1615–AC97, Employment Authorization Reform for Asylum Applicants (February 23, 2026). The proposed rule would make sweeping changes to the legal framework governing asylum seekers’ access to employment authorization. Most notably, it would extend the waiting period from 180 days to 365 days and authorize DHS to pause acceptance of initial employment authorization applications when affirmative asylum processing times exceed 180 days.

I. About the Iranian American Bar Association (IABA)

The Iranian American Bar Association (IABA) is a national association of attorneys, judges, law students, and legal professionals dedicated to advancing the rule of law, promoting civil rights, and expanding access to justice. IABA works to strengthen the pipeline of Iranian American legal talent while fostering professional development, mentorship, and public service across the legal community. Through its nationwide network, IABA brings together practitioners across diverse areas of law and at all stages of their careers to support community education, pro bono initiatives, and efforts to address critical legal needs, particularly among underserved and vulnerable populations.

II. The NPRM Lacks of Evidence and Arbitrary Justification

The proposed rule would severely harm asylum seekers without meaningfully addressing the causes of delay in the asylum system. DHS has not provided a rational or evidence-based justification for these drastic restrictions. Instead, the agency relies on speculative assertions that limiting work authorization will deter “frivolous” or “meritless” asylum claims and promote faster adjudications.¹ The NPRM offers no data demonstrating a causal relationship between access to employment authorization and the filing of non-meritorious claims, rendering its central premise unsupported and inconsistent with reasoned decision-making requirements.

III. Failure to Address Backlogs and Improper Burden-Shifting

Rather than addressing systemic inefficiencies, the rule shifts the burden of agency delay onto asylum seekers themselves. According to the Transactional Records Access Clearinghouse (TRAC), there were approximately 1.5 million asylum applications pending before USCIS as of

¹ 91 Fed. Reg. 8616, 8618 (Feb. 23, 2026).

FY2025, with average processing times far exceeding 180 days.² DHS itself acknowledges that it could take “between 14 and 173 years” to achieve a 180-day processing timeline.³ Such projections underscore the structural nature of the backlog and highlight the unreasonableness of conditioning work authorization on timelines the agency cannot realistically meet.

IV. The “Pause” Mechanism as a De Facto Bar

The proposed pause mechanism is particularly troubling. Under current backlog conditions, it would likely function as a de facto suspension of employment authorization for many asylum applicants. This transforms a predictable, time-based eligibility into a contingent and potentially unattainable benefit. Preventing asylum seekers from working lawfully for extended periods will increase poverty, housing instability, and vulnerability to exploitation, while creating significant barriers to obtaining legal representation. It will also harm employers and local economies; asylum seekers contribute meaningfully to the U.S. workforce, including in critical industries.⁴

V. Disproportionate Impact on Iranian Asylum Seekers

The rule would have a particularly severe and inequitable impact on Iranian asylum seekers. Many Iranian applicants present well-documented claims based on political opinion, religion, gender-based persecution, or participation in civil society movements, particularly in light of ongoing repression in Iran. Human Rights Watch has documented continued abuses and lack of accountability following the “Woman, Life, Freedom” protests, while the United States Commission on International Religious Freedom reports ongoing targeting of religious minorities, dissidents, and women.⁵ These conditions underscore the legitimacy of many Iranian asylum claims and highlight the inappropriateness of policies that treat such applicants with generalized suspicion.

VI. Unique Financial and Structural Barriers

Iranian asylum seekers face additional, distinct hardships that would be exacerbated by the proposed rule. Due to U.S. sanctions and financial restrictions, many are unable to receive consistent support from family members abroad. Guidance from the U.S. Department of the Treasury Office of Foreign Assets Control confirms that remittances involving Iran are subject to

² “New Proposed DHS Rule Effectively Ends Work Authorization for Asylum Applicants.” <https://tracreports.org/reports/772/> (April 22, 2026).

³ 91 Fed. Reg. 8616, 8618 (Feb. 23, 2026).

⁴ “The net fiscal impact of refugees and asylees was positive over the 15-year period, at \$123.8 billion. This means that refugees and asylees contributed more revenue than they cost in expenditures to the government. The net fiscal benefit to the federal government was estimated at \$31.5 billion, and the net fiscal benefit to state and local governments was estimated at \$92.3 billion.” *The Fiscal Impact of Refugees and Asylees at the Federal, State, and Local Levels from 2005-2019*, <https://aspe.hhs.gov/reports/fiscal-impact-refugees-asylees> (Feb. 15, 2024).

⁵ See “Iran: Unchecked Repression of Dissent,” <https://www.hrw.org/news/2025/01/16/iran-unchecked-repression-dissent> (Jan 16, 2025) See also, “2023 Report on International Religious Freedom: Iran,” <https://www.state.gov/reports/2023-report-on-international-religious-freedom/iran/>

strict regulatory constraints, limiting access to traditional financial channels.⁶ As a result, delaying or denying employment authorization leaves many Iranian applicants without viable lawful means of support.

VII. Impact on Students, Professionals, and U.S. Interests

A significant number of Iranian asylum seekers are students, researchers, and professionals already present in the United States who turn to asylum due to rapidly changing country conditions. Forcing these individuals to wait a year or more before even applying for work authorization will disrupt education, employment, and housing stability, while undermining U.S. economic interests in retaining highly skilled and law-abiding members of the community.

VIII. Conclusion

The proposed rule is not a solution to the challenges facing the asylum system. It is unsupported by evidence, misaligned with statutory purpose, and harmful to vulnerable populations, including Iranian asylum seekers. Rather than addressing backlogs, it shifts the consequences of systemic delay onto those seeking protection.

For these reasons, we urge DHS to withdraw the proposed rule and instead focus on reducing adjudication delays, improving processing efficiency, and ensuring that asylum seekers can maintain lawful employment while their claims are pending.

Respectfully submitted,

The Iranian American Bar Association

⁶ See <https://ofac.treasury.gov/sanctions-programs-and-country-information/iran-sanctions>