

118TH CONGRESS  
1ST SESSION

# S. 255

To authorize certain aliens seeking asylum to be employed in the United States while their applications are being adjudicated.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2023

Ms. COLLINS (for herself, Ms. SINEMA, and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To authorize certain aliens seeking asylum to be employed in the United States while their applications are being adjudicated.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Asylum Seeker Work  
5 Authorization Act of 2023”.

6 **SEC. 2. EMPLOYMENT AUTHORIZATION FOR ALIENS SEEK-**  
7 **ING ASYLUM.**

8 Section 208(d)(2) of the Immigration and Nationality  
9 Act (8 U.S.C. 1158(d)(2)) is amended to read as follows:

1 “(2) EMPLOYMENT AUTHORIZATION.—

2 “(A) EMPLOYMENT ELIGIBILITY.—Except  
3 as provided in subparagraph (B)—

4 “(i) an applicant for asylum is not en-  
5 titled to employment authorization, but  
6 such authorization may be provided under  
7 regulation by the Secretary of Homeland  
8 Security; and

9 “(ii) an applicant who is not otherwise  
10 eligible for employment authorization shall  
11 not be granted such authorization before  
12 the date that is 180 days after the date on  
13 which the applicant files an application for  
14 asylum.

15 “(B) EXPEDITED EMPLOYMENT ELIGI-  
16 BILITY.—

17 “(i) IN GENERAL.—The Secretary of  
18 Homeland Security shall authorize employ-  
19 ment for an applicant for asylum—

20 “(I) who—

21 “(aa) has been continuously  
22 physically present in the United  
23 States since the date of the en-  
24 actment of the Asylum Seeker

1 Work Authorization Act of 2023;

2 or

3 “(bb) entered the United  
4 States at a designated port of  
5 entry (as such term is used in  
6 section 411(e)(3)(A) of the  
7 Homeland Security Act of 2002  
8 (6 U.S.C. 211(e)(3)(A)));

9 “(II) who is not in detention;

10 “(III) whose application for asy-  
11 lum has not been determined frivo-  
12 lous; and

13 “(IV) with respect to whom the  
14 procedures required under paragraph  
15 (5)(A)(i) have been completed.

16 “(ii) APPLICATION.—The Secretary  
17 may not grant employment authorization  
18 under this subparagraph to an applicant  
19 for asylum who is not otherwise eligible for  
20 employment authorization before the date  
21 that is 30 days after the date on which the  
22 applicant filed an application for asylum.

23 “(C) TERM.—Employment authorization  
24 under this paragraph—

1                   “(i) shall be for an initial period of 2  
2                   years; and

3                   “(ii) shall be renewable for additional  
4                   2-year periods while the applicant’s asylum  
5                   claim is being adjudicated, including while  
6                   the claim is under administrative or judi-  
7                   cial review.”.

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