



April 24, 2026

Samantha Deshommes, Acting Chief
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
5900 Capitol Gateway Drive
Camp Springs, MD 20746

**Re: Employment Authorization Reform for Asylum Applicants
CIS No. 2799–25; DHS Docket No. USCIS–2025–0370; RIN 1615–AC97**

Dear Chief Deshommes:

The U.S. Chamber of Commerce, the world’s largest business organization representing employers of every size and in every sector, submits the following comment in response to the above-captioned Notice of Proposed Rulemaking, published by U.S. Citizenship and Immigration Services (USCIS), *Employment Authorization Reform for Asylum Applicants*, 91 Fed. Reg. 8616 (Feb. 23, 2026) (Proposed Rule).

The Chamber supports USCIS’s objectives to protect national security and promote integrity in our immigration system. The Chamber also appreciates USCIS’s concerns about fraud in the employment authorization document (EAD) system. But for the reasons stated below, the proposed rule would harm the Chamber’s members and the broader economy. It would remove valuable employees from the lawful workforce and does not address the government’s underlying concerns.

The Chamber respectfully requests that USCIS withdraw the above-captioned regulatory proposal, and work with stakeholders and subject-matter experts in the business and law enforcement communities to address national security and immigration compliance concerns without causing irreparable harm to the U.S. economy.

Discussion

I. Asylum seekers provide valuable contributions to American businesses and national economy.

Asylum-seeking workers contribute significantly to the U.S. economy. A 2024 study by the U.S. Department of Health and Human Services (HHS) found that refugees and asylees contributed \$581 billion in tax revenue to federal, state, and local governments between 2005 and 2019, resulting in a net fiscal benefit of \$123.8 billion over that period.¹ The Immigration Research

¹ See *The Fiscal Impact of Refugees and Asylees at the Federal, State, and Local Levels from 2005 – 2019*, by Robin Ghertner, Suzanne Maccartney, and Meredith Dost, dated February 15, 2024, available at <https://aspe.hhs.gov/reports/fiscal-impact-refugees-asylees>

Initiative (IRI) projects that for every 1,000 newly arrived immigrant workers, annual wages total \$22 million and state and local tax revenues increase by \$2.5 million in the first year, rising to \$3.6 million after five years, assuming work authorization is granted.² The IRI further emphasizes that “work authorization makes a big difference” in enabling these contributions.

Conversely, the Congressional Budget Office (CBO) estimated that immigrants who arrived during the recent surge paid \$10.1 billion in state and local taxes in 2023, but that the costs of providing services exceeded revenues by \$9.2 billion that year.³ However, this short-term local cost must be weighed against the long-term federal fiscal benefits of immigration, which CBO has previously projected to be positive over a 10-year horizon. The Migration Policy Institute (MPI) has also documented how long waits for work authorization increase the financial burden on cities and states, as asylum seekers are unable to support themselves and must rely on public services.⁴

Many industries employ hundreds of thousands of EAD-authorized immigrants: Leisure and hospitality, including food services: 360,000; professional and business services, including building maintenance, 343,000; wholesale and retail, 296,000; transportation and warehousing, 206,000; manufacturing, 218,000; health services, 109,000.⁵

Tax contributions from asylum seekers are also greater than the proposed rule estimates. State and local tax revenues generally increase as immigrants settle in an area because their tax earnings usually offset any state and local costs from public services.⁶ The proposed rule estimates that asylum seekers’ federal employment tax payments may be as high as \$7.43 billion. *Proposed Rule* at 8692. Outside experts have estimated asylum seekers’ total state, local, and federal tax payments to be \$33 billion.⁷ In Florida alone, \$2 of every \$100 of residents’ income is earned by asylum applicants.⁸

² See Immigration Research Initiative, *Economic Projections for Asylum Seekers and New Immigrants: U.S. and State-Level Data*, dated February 7, 2024, available at (IRI, 2024: <https://immresearch.org/publications/economic-projections-for-asylum-seekers-and-new-immigrants-u-s-and-50-states/>).

³ See Congressional Budget Office, published in June 2025, available at <https://www.cbo.gov/publication/61464>

⁴ See Migration Policy Institute, *Outmatched: The U.S. Asylum System Faces Record Demands* by Kathleen Bush-Joseph, published February 2024, available at <https://www.migrationpolicy.org/research/outmatched-us-asylum-system>

⁵ Phillip Connor, *2+ Million Workers, \$100+ Billion Impact: Counting the Overlooked Economic Contributions of Asylum Applicants*, WorkPermits.US (Mar. 2026), <https://data.workpermits.us/asylum-workforce-report/>; see also *People Seeking Asylum are Contributing to the Workforce*, Fwd.us (Jan. 31, 2026), <https://www.fwd.us/news/people-seeking-asylum-are-contributing-to-the-workforce/>.

⁶ Anthony Capote & David Dyssegaard Kallick, *Economic Projections for Asylum Seekers and New Immigrants at 1–2*, Immigration Rsch. Initiative (Feb. 2024) <https://immresearch.org/wp-content/uploads/Final-First-Jobs-and-Wage-Gain-US-and-state-level-data92.pdf>.

⁷ Connor, *2+ Million Workers*.

II. Ending new EAD processing for decades or more will harm American businesses and the national economy—especially the construction industry.

The proposed rule estimates that about 503,000 asylum seekers submitting new EAD applications will be unable to work because of the proposed pause in processing those applications. *Proposed Rule* at 8624–25. The NPRM admits ignorance as to whether other eligible workers will be able to fill available jobs that could otherwise be done by those asylum seekers. *Id.* at 8621.

The USCIS acknowledges that businesses that cannot fill empty jobs will incur “lost productivity and potential profits.” *Proposed Rule* at 8692, 8620–21. The USCIS also do not know what the “next best alternative” would be for companies that cannot immediately find replacement labor. *Id.* at 8692. Given that uncertainty, the proposed rule provides estimates for businesses’ costs to find different sources of labor. If companies cannot find replacement workers “for the position the alien would have filled,” the estimated cost is \$70.44 billion. *Id.* If companies immediately replace half of the candidates, the cost would settle around \$35.22 billion. *Id.* at 8693.

These estimates are likely low. For example, Temporary Protected Status, a longstanding program that similarly allows for work authorization, is ending for a majority of beneficiaries.⁹ And many TPS workers will qualify for asylum in the alternative. Accordingly, large numbers of the 1.4 million TPS beneficiaries currently in the United States likely will submit asylum applications, and then new EAD applications, even though they are not new to this country or the workforce. The proposed rule admits that many TPS workers have been working “for an extended period of time” in this country. *Proposed Rule* at 8653. If those workers are unable to gain permission to work through an EAD application, American businesses will lose productive employees that have served them for years because their TPS status will end and their new asylum applications, swept up in the pause, will not be adjudicated.

These labor shortages will hit harder than the proposed rule suggests because asylum seekers’ most frequented industries *already* struggle to fill available jobs. Construction is the prime example. Labor shortages already plague the industry, which reported 202,000 job openings in February 2026. Construction firms say that their number one reason for project delays is their inability to hire employees. Nearly 90% of construction employers report openings, and most say those jobs are already “as hard or harder to fill than a year ago.” About 40% of companies say that they most commonly reject applicants because they lack credentials such as a work permit or driver’s license.¹⁰

Experts have opined that “low immigration rates are key” to the construction industry’s labor shortage problem.¹¹ “As the U.S. workforce becomes more credentialed, attracting U.S.-born

⁸ *Id.*

⁹ Temporary Protected Status, USCIS, <https://www.uscis.gov/humanitarian/temporary-protected-status>.

¹⁰ 2025 Workforce Survey Analysis at 6–7, Associated General Contractors of Am. (2025), <https://www.agc.org/sites/default/files/users/user21902/2025%20Workforce%20Survey%20Analysis%20%283%29.pdf>; see Econ. News Release tbl.1, Bureau of Lab. Stats. (Feb. 2026), <https://www.bls.gov/news.release/jolts.t01.htm>.

workers with higher educational attainment into construction jobs will become increasingly difficult... Current immigration policy is not aligned with the labor needs of the U.S. economy... [I]ndustries facing labor shortages could benefit from legal pathways, including those authorizing temporary work.”¹² This labor shortage exacerbates the current scarcity in housing supply and results in increased housing costs. As a December 2025 *Fox News* report explained, the construction labor shortage “is now constraining the entire housing pipeline. Projects are taking longer to complete, construction costs continue to rise, and first-time home buyers are being squeezed out of an already competitive market.”¹³

The proposed rule would compound labor shortage problems across the economy, which has experienced overall workforce shortcomings since the pandemic. Even with 100% workforce participation, 3.2 million jobs would remain unfilled.¹⁴ Some state and local governments are creating programs specifically designed to channel asylum seekers into industries experiencing labor shortages.¹⁵

Members of the Chamber have expressed grave concern about serious adverse consequences resulting from an abrupt end of work authorization for even a portion of their workforce. In the construction sector, a lapse in work authorization can immediately invalidate a worker’s site credentials, safety certifications, or licenses, requiring employers to remove skilled laborers from payroll—thereby disrupting tightly coordinated crews, delaying projects, and exposure to liquidated damages. In the healthcare sector, particularly long-term care settings, the same disruptions directly threaten patient care and push facilities out of compliance with mandated staffing ratios, leading to service reductions or admission freezes. Across these and many other industries, the proposed rule would undermine workforce stability, erase employer investments in training and credentialing, and cause acute and irreparable harm.

¹¹ Tony Payan, Jose Ivan Rodriguez-Sanchez, & Minerva Bonilla, Boost US Construction Workforce by Employing More Immigrant Labor, Baker Institute at Rice University (Oct. 10, 2024), <https://www.bakerinstitute.org/research/boost-us-construction-workforce-employing-more-immigrant-labor>.

¹² *Id.*

¹³ Amanda Macias, Construction labor crunch drives up costs and deepens America’s housing affordability crisis, *FoxNews.com* (Dec. 2, 2025), <https://www.foxnews.com/politics/construction-labor-crunch-drives-up-costs-deepens-americas-housing-affordability-crisis>.

¹⁴ *Id.*

¹⁵ *See, e.g., Resolution No. 24-0544*, Denver City Council (May 13, 2024), <https://denver.legistar.com/LegislationDetail.aspx?ID=6638832&GUID=533C25D2-336C-4DF0-AFD4-05B3B5129D1D&Options=&Search=>; *Governor Hochul Announces 18,000 Jobs Available to Asylum Seekers*, N.Y. Dep’t of Lab. (Oct. 4, 2023), <https://dol.ny.gov/news/governor-hochul-announces-18000-jobs-available-asylum-seekers-and-migrants-part-statewide>.

Another DHS rulemaking from 2020 drew similar concerns from businesses. That rule eliminated the 30-day timeline for processing EAD applications, allowing the agency to take as long as it wanted. *See Casa de Maryland, Inc. v. Wolf*, 475 F. Supp. 3d 928, 963 (D. Md. 2020) (quoted in *Proposed Rule* at 8645). The U.S. District Court for the District of Maryland held that DHS could not eliminate that timeline. *Id.* Here, the proposed rule would go further, imposing a complete freeze on the adjudication of new EAD applications for a century or longer. *Proposed Rule* at 8650. During the 2020 rulemaking, about 50 commenters explained that erasing the EAD timeline would exacerbate labor shortages and that companies would be unable to fill asylum seekers' positions. Administrative Record Main Rulemaking Docs., *Casa de Maryland*, No. 8:20-cv-2118, ECF No. 124-1, at 50. Some of them "described the significant financial loss to businesses that would absorb the cost to find and replace asylum seekers['] jobs." *Id.* All of those harms will occur here too—and to an even greater degree—if the USCIS adopts the proposed rule.

Moreover, the proposed rule is unlikely to result in significant transfers of earnings to American-born workers. A group of economics and legal experts submitted a separate comment in this rulemaking explaining that asylum seekers generally do *not* displace American-born workers.¹⁶ To the contrary, wages and employment rates generally rise for incumbent workers when asylum seekers enter their local markets. *Id.* at 6. Those numbers are "consistent with complementarity between asylum seekers and the existing workforce, not displacement." *Id.*

For its part, the proposed rule proffers only irrelevant, unsubstantiated evidence to support its speculation that other labor sources will fill the gap that asylum seekers currently occupy. The NPRM's sole example is from more than 50 years ago. *Proposed Rule* at 8641. Specifically, in 1974, the Immigration and Naturalization Service required foreign study-abroad students seeking summer employment to apply for authorization first so that they would not displace domestic students competing for the same jobs. *Id.* The underlying data concerning whether any displacement was actually occurring, and whether those jobs were actually filled by domestic students, is not available. *Id.* Instead, DHS assumes that *all* of those study-abroad students were replaced with domestic students. *Id.* This short-term summer study-abroad student discussion from 50 years ago is plainly not a reasonable basis for the USCIS to ignore more recent and apposite data that refutes the USCIS' theory that asylum seekers displace American workers.

In addition to these problems, the proposed rule will harm the economy by driving asylum seekers into exploitative, underground work. This transfer from legitimate business employment to unregulated shadow economies is bad for America and for workers themselves.

III. The proposed rule's renewal restrictions would harm businesses with longstanding EAD-authorized employees.

The processing pause for new EADs would not affect workers who already have EADs. *Proposed Rule* at 8619. But the proposed rule also applies several new requirements to asylum applicants seeking renewal of their EADs. *Id.* at 8619, 8624–25, 8699–700. These new requirements include biometrics scanning and faster post-asylum-denial employment termination. *Id.* asylum seekers also will have to renew their EADs more often because USCIS recently reduced

¹⁶ Comment of Clemens, *supra*, at 6.

the maximum validity period from 5 years to 18 months. *Id.* at 8665 n.294.¹⁷ Between 2020 and 2024, there were about 1.45 million approved EAD renewals. *Id.* at 8695 & n.330. This number will rise with the shorter EAD expiration period. And even the 1.45 million estimate suggests that many businesses will bear the costs when their EAD-authorized employees try to renew, especially when their renewals are denied or delayed.

The costs to American businesses of these new renewal requirements will be substantial. First, existing employees will now have to appear for biometric scanning appointments at a designated immigration office to renew their work authorization. *Id.* at 8694. Previously, that requirement applied only to new EAD applications. *Id.* at 8625–26. The proposed rule recognizes that the average round-trip distance is 50 miles, with appointment and travel time totaling nearly 4 hours, meaning a significant absence from work for asylum seekers who need to renew their EADs. *Id.* at 8694 & n.327. Further, in the past the biometrics requirement has “added anywhere from several weeks to over a month” to application processing times. *Id.* at 8632–34. The proposed rule acknowledges that the new, slower biometrics renewal processing could cause delays or interruptions of employment authorization. *Id.* at 8633, 8695.

Second, the proposed rule would immediately terminate employment authorization after an asylum application is denied, regardless of whether the asylum seeker was an initial applicant or has had an EAD for years. *Proposed Rule* at 8662 (excepting those who appeal their cases, *id.* at 8699–700). Currently, EAD workers whose asylum applications are denied have a 60-day runway before their work authorization ends, counting from either the pre-existing EAD expiration date or when the asylum seeker’s application is denied, whichever is later. *Id.* at 8625–26. The new, immediate denials would be disruptive for businesses, who would endure the costs of unplanned, rushed hiring to replace jobs held by asylum seekers. *Id.* at 8695.

The proposed rule acknowledges many of these disruptions without attempting to quantify the impacts or including those costs in its overall calculations. *Proposed Rule* at 8694–96. Similarly, an October 2025 DHS interim final rule eliminated automatic extensions for 15 categories of EAD, including asylum seekers, requiring workers to stop working when their EADs expired even if renewal applications were timely filed. This abrupt change predictably created work authorization lapses due solely to USCIS processing delays, disrupted employer workforce planning and I-9 compliance, and was implemented with little advance notice, leaving employers unable to prevent unnecessary job interruptions.¹⁸ In fact, even DHS itself found that automatic EAD extensions prevented lapses in work authorization caused by processing delays and reduced employer turnover costs, a conclusion discussed in subsequent legal and business analyses of the rule. See 90 Fed. Reg. 48799 (Oct. 30, 2025).

Finally, layered on top of these concrete barriers to EAD renewal, the proposed rule would allow USCIS near-absolute discretion to deny employment authorization, which would impact

¹⁷ See also Updating Certain Employment Authorization Document Validity Periods at 2, USCIS (Dec. 4, 2025), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20251204-EmploymentAuthorizationValidity.pdf>.

¹⁸ See USCIS Ends Automatic Extension of Employment Authorization With Interim Final Rule, *Nat’l Law Rev.* (Oct. 30, 2025), <https://natlawreview.com/article/uscis-ends-automatic-extension-employment-authorization-interim-final-rule>.

renewals particularly during the processing pause for new applications. *Proposed Rule* at 8661–62. Although the proposed rule includes undefined guidelines such as consideration of “public safety threat[s],” USCIS is clear that discretion is paramount. *Id.* at 8663 (granting DHS “authority to prioritize” applications involving “derogatory information”); *id.* at 8661 (“Currently, [EADs] are not discretionary. . . . Under the proposed rule, approval of an [EAD] would be at the discretion of USCIS.”). That discretion makes it very difficult for businesses to predict whether their EAD employees will be able to stay. Even USCIS admits it do not know how many asylum seekers it will turn away based on the “discretionary [sic] and criminal bars.” *Id.* at 8678.

In sum, the proposed rule does not properly incorporate the business costs of imposing more stringent EAD renewal requirements for the 2.3 million asylum seekers currently working in American companies.

IV. The agency should consider improving processing efficiency rather than adopting an indefinite pause.

The proposed rule seeks to “generate[] a disincentive to meritless claims with the goal of obtaining an EAD” of making overall “asylum filings decline.” *Proposed Rule* at 8665. But this rests on a false premise and imposes unnecessary harms on businesses and the economy.

To start, the record does not support the idea that work authorization drives frivolous or overwhelming numbers of asylum applications. The proposed rule observes that the 1994 imposition of a 180-day EAD waiting period coincided with a decline in applications. *Proposed Rule* at 8632. But that decline *also* coincided with the end of civil wars in El Salvador and Guatemala; filings from applicants from other countries did not experience a similar decline.¹⁹ In the same vein, the recent increase in asylum filings largely consists of applicants seeking asylum from countries experiencing acute crises. *Id.*

Next, decreasing overall EAD availability hurts American businesses for the reasons discussed above. Instead of decreasing the availability of EADs for all applicants due to the government’s delay in processing them, the USCIS should instead focus on speeding up the application process. Increasing efficiency in the application process would be the most direct way to prevent meritless applications for asylum: Quicker processing and decisions would remove any incentive to file frivolous applications. USCIS recently sped up its processing times in response to a 2018 injunction requiring a 30-day turnaround for EAD applications. *Id.* at 8648. There is no reason the agency cannot do the same now. The proposed rule claims that many of its measures will increase efficiency. However, it does so largely by closing out existing applications or refusing to consider new ones at all. *Proposed Rule* at 8642, 8655, 8657, 8661.

¹⁹ Comment of Clemens, *supra*, at 3–4.

Conclusion

For these reasons, the Department of Homeland Security should rescind the proposed rule. Going forward, the Department can address its concerns by working together collaboratively with public and private stakeholders through a more reasonable approach that does not unnecessarily burden American businesses or otherwise harm the economy.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patrick Shen", written over the printed name.

Patrick Shen
Vice President, Immigration Policy
U.S. Chamber of Commerce