

Friday, April 24, 2026

Submitted via www.regulations.gov

Division of Humanitarian Affairs
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
5900 Capital Gateway Drive
Camp Springs, MD 20746

Re: Department of Homeland Security Notice of Proposed Rulemaking, *Employment Authorization Reform for Asylum Applicants* (Feb. 23, 2026), DHS Docket No. USCIS-2025-0370¹

Introduction

The 24 undersigned organizations committed to the health, safety, and well-being of children and families respectfully submit this comment urging the Department of Homeland Security ("DHS") to rescind its February 23, 2026 Notice of Proposed Rulemaking ("Proposed Rule"), which would severely restrict asylum seekers' access to work authorization.² We write to highlight the harms this Proposed Rule would inflict on families seeking asylum and all families struggling to find affordable childcare, education services, and health care.

The Proposed Rule would make it almost impossible for many parents and children seeking asylum to obtain work authorization and social security numbers while their asylum claims are pending. The rule would (1) extend the waiting period for people seeking asylum to apply for an initial work permit from 150 days to 365 days; (2) authorize DHS to suspend initial work permit processing altogether – potentially for up to 173 years by DHS's own estimate; (3) extend processing time for an initial work permit from a mandatory 30 days to a flexible 180-day window; (4) impose new eligibility bars; and (5) grant DHS unfettered discretion to deny work permit applications even where all criteria are met.³ Ultimately, this proposed rule undermines children's well-being, as it would leave parents unable to provide everyday necessities and a stable environment for their families. We urge DHS to withdraw the Proposed Rule in its entirety.

The Proposed Rule would negatively impact the economic well-being of children and families.

¹ The NPRM lists multiple docket identifying numbers, including DHS Docket No. USCIS-2025-0370, CIS No. 2799-25, DHS Docket No. 2025-0370, and RIN 1615-AC97.

² *Employment Authorization Reform for Asylum Applicants*, 91 Fed. Reg. 8616 (Feb. 23, 2026).

³ *Id.* at 8,618-20.

The Proposed Rule would make it harder for people seeking asylum to access work permits while their cases remain pending, often for 4-5 years or longer.⁴ The Proposed Rule abandons more than three decades of policy precedent without adequately addressing the real economic consequences that will come with these actions. DHS has long recognized that individuals should be permitted to work while their asylum applications are pending. Today, more than 2.3 million asylum seekers are employed in critical sectors in the U.S. economy, including construction and transportation, industries that continue to face persistent labor shortages.⁵

The Proposed Rule's harms extend beyond asylum-seeking families. This rule also threatens to remove hundreds of thousands of workers who provide essential services, like child care, health care, and education. These sectors already face chronic labor shortages, and these changes would directly reduce children's access to critical programs and make it harder for all families to thrive. Approximately 61,000 asylum seekers work in education services, including 27,000 in K–12 schools; approximately 16,000 work directly in child care services; and approximately 109,000 work in health services, a sector with roughly 1.4 million unfilled job openings.⁶ This rule would significantly hinder the U.S. economy in industries that are already struggling.

Access to work permits promotes economic well-being for children in immigrant families.

The ability to obtain work authorization can completely change the trajectory for entire families, improving their economic stability, food security, housing security, and providing employer-sponsored benefits such as health insurance for workers and their dependents.

Through work authorization provisions in the DACA program, over the last decade Dreamers have been able to participate as essential members in the U.S. workforce. Data shows that approximately 343,000 people with DACA in the workforce were employed as essential workers, representing more than three-quarters of working DACA recipients.⁷ For the approximately 300,000 U.S.-born children who have parents with DACA, the program helps support healthy childhood development by increasing DACA recipients' kids access to critical benefits, such as employer-sponsored health insurance, and temporarily alleviating the fear of losing a parent as a result of immigration enforcement.⁸

⁴ American Immigration Council, *Asylum in the United States* (May 9, 2025).

⁵ Phillip Connor, “2+ Million Workers, \$100+ Billion Impact: Counting the Overlooked Economic Contributions of Asylum Applicants,” WorkPermits.US, March 2026.

⁶ Connor, “2+ Million Workers, \$100+ Billion Impact”

⁷ Nicole Prchal Svajlenka and Trinh Q. Truong, “The Demographic and Economic Impacts of DACA Recipients: Fall 2021 Edition,” Center for American Progress, November 24, 2021, <https://www.americanprogress.org/article/the-demographic-and-economic-impacts-of-daca-recipients-fall-2021-edition/>

⁸ 3 Svajlenka and Truong, “The Demographic and Economic Impacts of DACA Recipients.”

At least 200,000 children are navigating the asylum process, either on their own or with their parents.⁹ This is not to mention the U.S. citizen children of asylum applicants, of which there are likely hundreds of thousands.¹⁰ The impact of losing access to work permits does not only impact working-age adults, it would impact both asylum-seeking children and U.S. citizen children of asylum seekers. Access to a work permit unlocks essential services and opportunities. For asylum seekers, work authorization may be the only form of U.S. government-issued identification available to them. The impact of losing access to work permits is wide-ranging. In many states, a valid work permit is a prerequisite to obtaining a state issued identity document or a driver's license or enrolling in healthcare coverage.¹¹ Without it, parents have trouble identifying themselves in the U.S., driving their kids to school, and obtaining medical care. Preventing asylum seekers from accessing work permits makes it impossible for households to sustain themselves and it increases the probability of poverty and homelessness. Additionally, this proposed rule could potentially incentivize unlawful work, as it could drive asylum seekers to seek “under the table” employment and increase opportunities for bad actors to exploit this vulnerable population.

The Proposed Rule puts families at risk of deportation and separation.

Without an employment authorization document families may also have difficulty quickly proving their immigration status, thus increasing the risk of detention and family separation.¹²

The removal of a loving parent or caregiver from a family with children has long-term adverse consequences for a child’s development. Children need their parents and guardians every single day to provide essential care and emotional support. Research thoroughly documents the short and long-term negative impacts of parental separation on children’s physical, developmental, emotional, and economic well-being.¹³ Children separated from their parents due to detention or deportation experience toxic stress, often exhibited in increased fear, anger, crying, and changes

⁹ See Mark Swartz, FUEL for Asylum Seekers and Their Children, The74 (Feb. 15, 2023).

¹⁰ Due to backlogs, people seeking asylum have lived in the U.S. for many years before the adjudication of their applications. During these years, they have U.S. citizen children. See Jenifer Van Hook, Michael Fix, and Julia Gelatt, Repealing Birthright Citizenship Would Significantly Increase the Size of the U.S. Unauthorized Population, MPI (May 2025).

¹¹ See ASAP, [Driver’s Licenses for Asylum Seekers, Health Care for Asylum Seekers](#) (last updated Oct. 10, 2025).

¹² See [Know Your Rights: Immigrants’ Rights](#), ACLU (last updated March 27, 2026).

¹³ Nicole Chávez, Suma Setty, Hannah Liu, and Wendy Cervantes, “Still at Risk: The Urgent Need to Address Immigration Enforcement’s Harms to Children,” CLASP (June 2023), <https://www.clasp.org/publications/report/brief/urgent-need-address-immigration-enforcement-harm-children/>; Luis H. Zayas et al., “The Distress of Citizen-Children with Detained and Deported Parents.” Journal

in sleeping and eating habits.¹⁴ Children also experience these threats to their physical and mental health at the mere possibility and fear of family separation.¹⁵

Additionally, families often experience short and long-term economic hardship, including instability in housing and nutrition, because of a parent's deportation or detention.¹⁶ Separation from parents or primary caregivers also deny children important foundational relationships that help them regulate their emotions, meet developmental milestones, and more fully engage with their family, peers, and community. The impacts of children's exposure to toxic stress can be lifelong, negatively affecting their educational outcomes, career opportunities, and overall financial well being.

The Proposed Rule would cause substantial harm to children and their development.

The scale of harm to children is substantial. Research in child development is unequivocal: financial stability in a child's earliest years shapes the trajectory of their physical health, brain development, educational attainment, and emotional well-being.

The Proposed Rule would predictably cause children to suffer, and worsen their long-term outcomes:

- **Without work authorization, asylum-seeking families face food insecurity, hunger, and poor nutrition.** Children in food-insecure households face increased risk of asthma, iron deficiency, and emergency room visits.¹⁷ Children facing food insecurity are at elevated risk for growth stunting, poor social and cognitive development, and are nearly twice as likely to be obese from an early age.¹⁸
- **Work authorization is foundational to housing stability.** Without it, asylum-seeking parents face eviction, overcrowded living arrangements, or homelessness. Housing instability disrupts children's routines, forces frequent school changes, and generates toxic stress.¹⁹ Housing is a central need for children to live in security with their families and provides a base for the development and learning that will prepare them to be

¹⁴ Randy Capps et al., Implications of Immigration Enforcement Activities for the Well-being of Children in Immigrant Families, Urban Institute (Sept. 2015), <https://www.urban.org/sites/default/files/alfresco/publication-exhibits/2000405/2000405-Implications-of-Immigration-Enforcement-Activities-for-the-Well-Being-of-Children-in-Immigrant-Families.pdf>.

¹⁵ Capps et al., Implications of Immigration Enforcement for the Well-being of Children in Immigrant Families

¹⁶ Ibid.

¹⁷ Emma Casey and Adam Winsler, [*Impacts of Food Insecurity on Child Development: Strengthening the Role of Childcare*](#), Nutrients (July 2025); Institute for Child Success and ASAP, [*Impact of Delayed Work Permits on Early Childhood Development*](#) (Nov. 2023).

¹⁸ Lucine Francis et al., [*Child Poverty, Toxic Stress, and the Social Determinants of Health: Screening and Care Coordination*](#), Online J. Issues Nursing (August 19, 2019).

¹⁹ See Impact of Delayed Work Permits, supra note 9.

productive adults. When families cannot afford stable housing and become homeless or move frequently, stress levels increase, families may be vulnerable to other traumatic experiences such as violence or abrupt separation, and children are more likely to experience illness.²⁰ For young children, housing is a very basic need to promote healthy development and losing housing security can lead to severe developmental consequences. Lacking a stable home creates greater risk of hunger and poor health outcomes, such as developmental delays, behavioral problems, and difficulty maintaining a healthy weight.²¹ When young children experience poverty and crowded housing, often the result of being pushed out of a family's own housing, there is an increased likelihood of early mortality.²² For school-age children, homelessness and housing insecurity is a major disruptor of their education. They may have to transfer to different schools or have transportation difficulties in addition to dealing with the stigma of homelessness.²³

- **If asylum-seeking families lose work authorization, they may lose health care coverage or have trouble affording co-pays or out-of-pocket costs.** Children in these families may skip or delay access to health care, worsening health outcomes.²⁴ Families may also incur increased medical debt, making them even more financially insecure.²⁵ Children with health insurance are more likely to have a usual source of care and less likely to delay medical care due to cost compared to uninsured children.²⁶ Health insurance is expensive; for low and moderate wage working families, access to affordable health insurance for their children is simply out of reach. About 4 million children were uninsured in 2023; increasing the number of uninsured children by this magnitude would undo decades of progress to help ensure all children have access to affordable, high quality health coverage so they can live healthy, productive lives.²⁷

²⁰ Ellen Bassuk and Samantha Friedman. Facts on Trauma and Homeless Children. National Child Traumatic Stress Network, 2005.

https://www.nctsn.org/sites/default/files/resources/facts_on_trauma_and_homeless_children.pdf

²¹ Jing Yu, Reeya Patel, Denise Haynie, et al. "Adverse childhood experiences and premature mortality through mid-adulthood: a five-decade prospective study." *The Lancet Regional Health - Americas* 15 (2022) <https://doi.org/10.1016/j.lana.2022.100349>.

²² Jing Yu, Reeya Patel, Denise Haynie, et al. "Adverse childhood experiences and premature mortality through mid-adulthood: a five-decade prospective study." *The Lancet Regional Health - Americas* 15 (2022) <https://doi.org/10.1016/j.lana.2022.100349>.

²³ SchoolHouse Connection (2025). 2025 Fact Sheet: Educating Children and Youth Experiencing Homelessness. Educating Children and Youth Experiencing Homelessness (2025 Fact Sheet).

²⁴ Grace Sparks et al., *Americans' Challenges with Health Care Costs*, KFF (last updated Apr. 16, 2026).

²⁵ *Id.*

²⁶ Access in Brief: Children's Experiences in Accessing Medical Care. Medicaid and CHIP Payment and Access Commission (MACPAC), April 2025,

<https://www.macpac.gov/publication/access-in-briefchildrens-experiences-in-accessing-medical-care/>

²⁷ Health Insurance Coverage of Children, 0-18, KFF, 2023,

[https://www.kff.org/state-health-policydata/state-indicator/children-0-](https://www.kff.org/state-health-policydata/state-indicator/children-0-18/?dataView=1¤tTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D)

[18/?dataView=1¤tTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D](https://www.kff.org/state-health-policydata/state-indicator/children-0-18/?dataView=1¤tTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D).

- **The Proposed Rule harms access to education and worsens educational outcomes.** The changes would make it difficult for asylum-seeking children to quickly access government-issued IDs and for families to easily enroll them in school.²⁸ Furthermore, financial instability reduces school engagement and attendance, and lowers test scores.²⁹ These changes harm children’s academic success and ability to reach their full potential.
- **The proposed changes especially impede infants’ healthy development.** The early years of life are critical and irreplaceable for brain development. Income instability during these years generates "toxic stress"—prolonged, severe stress that impacts young children's brain chemistry, structure, and gene expression.³⁰ The Proposed Rule strips families of income and stability during the most vulnerable developmental stage.

Conclusion

We are concerned that this Proposed Rule impacts asylum seekers already in the workforce, and by extension the communities that rely on them. The new eligibility bars and expanded discretion would jeopardize work permit renewals for many of these workers. When child care providers leave the workforce, families lose care. When classroom aides are removed mid-year, children's learning is disrupted. The Proposed Rule does not analyze any of these child-facing workforce impacts for families across the United States.

In conclusion, we urge DHS to rescind this Proposed Rule. The proposed changes would expose children whose families are seeking asylum to hunger, housing instability, educational disruption, delayed or denied medical care, and the lasting developmental consequences of early childhood poverty. It also removes critically needed workers from the workforce, threatening children's access to the services they need to thrive.

Our comments include numerous citations to research and relevant documents, including direct links for the benefit of the Department in reviewing our comments. We direct the Department to each of the studies or documents cited, and we request that the full text of each of the items cited, along with the full text of our comments, be considered part of the administrative record in this matter for purposes of the Administrative Procedure Act.

Signed,

National Organizations

Center for Law and Social Policy

²⁸ See ASAP, [Information for Asylum Seekers about School in the U.S.](#) (last updated Oct. 6, 2025).

²⁹ *Id.*

³⁰ *Id.*

Center for the Study of Social Policy
Children's HealthWatch
Coalition on Human Needs
First Focus on Children
Kids Can't Wait
Kids in Need of Defense (KIND)
MomsRising
National Association of Social Workers
National Education Association
Prevention Institute
United Parent Leaders Action Network
Young Center for Immigrant Children's Rights

State and Local Organizations

Ayuda
Children At Risk
Children's Defense Fund-Texas
El Pueblo Unido of Atlantic City
Every Texan
Hawaii Children's Action Network Speaks!
Lutheran Social Services of the National Capital Area
Michigan's Children
New Jersey Consortium for Immigrant Children
San Diego for Every Child
The Children's Partnership