



Office of Special Counsel for Immigration-Related Unfair Employment Practices

U.S. Department of Justice Civil Rights Division

Refugees and Asylees Have The Right To Work: What Employers Should Know

Refugee and asylum status is granted to people who have been persecuted or fear persecution on account of race, religion, nationality, membership in a particular social group or political opinion.

- Refugee status is granted to persons who are located outside the U.S. Asylum status is granted to persons who are already in the U.S. For more information about refugee and asylum status, you may visit the website for U.S. Citizenship and Immigration Services (USCIS), www.uscis.gov.

Refugees and asylees are authorized to work indefinitely because of their status.

- Refugees and asylees are categorized as "aliens authorized to work" but are eligible to receive Social Security cards without employment restrictions.
- Refugees and asylees do not need to indicate an expiration date in Section 1 of the Form I-9. According to USCIS instructions, they may write "N/A" or leave the expiration date blank.
- Refugees may not always possess a passport. Refugees who choose to provide an I-94 Admission Number instead of an Alien Registration Number in Section 1 may write "N/A" in the space for passport information.

Refugees and asylees may possess a variety of documents that prove employment authorization.

- In addition to an EAD (Employment Authorization Document, Form I-766), a refugee or asylee is eligible to receive a Social Security card without employment restrictions.
- A refugee or asylee may also have a Form I-94 with a refugee admission or asylum approval stamp that is acceptable for the Form I-9. A Form I-94 indicating refugee admission serves as a receipt for a List A document for 90 days from the date presented, after which the worker must show either one document from List A or a combination of one List B and one List C document.
- Unlike a Form I-94 with a refugee admission stamp, a Form I-94 indicating asylum status is considered a List C document and should not have an expiration date. For more information on recording receipts on the Form I-9, refer to the USCIS Employer Handbook.
- Immigration Judge decisions are not acceptable I-9 documents.
- Like all employees, refugees and asylees must be allowed to choose which documents to present for Form I-9 purposes. Employers may not require any employee to present documents issued by DHS if he or she presents a combination of one List B and one List C document.

Employers should reverify the work authorization of refugees and asylees as they would any other employee.

- If a refugee or asylee presents an EAD for initial verification, then upon reverification he or she must be allowed to present any List A or List C document, such as a current EAD or an unrestricted Social Security card. List B documents are not needed for reverification.

Refugees and asylees may experience a delay in receiving a Social Security Number (SSN).

- Although an employer will eventually need to record an SSN for *wage reporting purposes*, once an employee has satisfied the I-9 documentation requirements, the employer must allow the employee to work regardless of whether he or she has been issued an SSN. If any employee has not yet been issued a SSN, the employer should delay running the E-Verify query until the employee is issued his or her SSN.

For more information call OSC's employer hotline at 1-800-255-8155 or visit www.justice.gov/osc/about/crt.