



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 asylee 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 located outside the U.S. Asylum status is granted to persons already in the U.S.
- Like other employees, refugees and asylees generally do not have to tell employers their actual immigration status. But when verifying an employee's identity and eligibility to work in the U.S., you may come across documentation that reveals that an employee is a refugee or asylee.

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

- Refugees and asylees are "aliens authorized to work" and should mark this box in Section 1 of the Form I-9. Refugees and asylees should write "N/A" for their expiration date in Section 1 of the Form I-9 because their employment authorization does not expire.
- Refugees and asylees are eligible to receive Social Security cards with no employment restrictions because of their indefinite work authorization status.

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

- In addition to an Employment Authorization Document, Form I-766 (EAD), a refugee or asylee is eligible to receive a Social Security card without employment restrictions, which is a List C document.
- A refugee may have a Form I-94 with a refugee admission stamp or a computer-generated Form I-94 printout with an admission class of "RE." Both versions of the I-94 serve as a receipt for a List A document for 90 days from the date presented to you, after which the employee must show either an EAD or a combination of a List B document and an unrestricted Social Security card.
- An asylee may have a Form I-94 with an asylum approval stamp. This Form I-94 is considered a List C document that does not expire and does not require reverification.
- Like all employees, refugees and asylees must be allowed to choose documentation from either List A or a combination of documentation from both Lists B and C. For example, if an employee shows a State ID and unrestricted Social Security card, you cannot ask or require the employee to present a Department of Homeland Security document.

If you need to reverify a refugee's or asylee's work authorization, you should treat that employee as you would any other employee.

- If a refugee or asylee presents an EAD for initial verification, you will need to reverify work authorization when the EAD expires. Upon reverification, you must allow the worker to present any List A or List C document, such as an unexpired 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 you will eventually need to record an SSN for *wage reporting purposes*, once an employee has completed the Form I-9, the employee may work regardless of whether the employee has been issued an SSN. According to IRS and SSA guidance, you can use "000-00-0000" or "applied for" in payroll until the employee provides you with the SSN.
- If you use E-Verify, you should delay creating the E-Verify case until the employee has been issued his or her SSN. The employee may work during this time if the employee has completed the Form I-9. E-Verify rules specifically allow for this exception and provide instructions for creating the case.

If you have questions, call OSC's free and anonymous employer hotline at 1-800-255-8155 (1-800 237-2515 for hearing impaired), available from 9am-5pm ET, Monday-Friday. For more information visit: www.justice.gov/osc/about/crt.

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