

New Asylum Clock Policies Provide No Significant Systemic Change

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Washington D.C. - Last week, the Executive Office for Immigration Review (EOIR) issued [new guidance](#) [1] addressing the “asylum clock.” The asylum clock calculates a mandatory 180-day waiting period before an asylum applicant can receive work authorization. Any delay caused by the asylum applicant will stop the clock and prolong the waiting period for work authorization. However, delays are often incorrectly attributed to the applicant and asylum seekers are unjustly prevented from working for long periods of time.

EOIR’s new guidance provides some much-needed clarity and addresses certain longstanding problems. In particular, it clarifies that the asylum clock should not stop in the event of a delay caused by a government attorney or the court, and that immigration judges must indicate on the record the reason for postponing a case.

Unfortunately, EOIR fails to resolve more systemic problems through its new guidance including:

- It does not require the judge to state whether the clock has started or stopped or how many days are on the clock. In addition, it does nothing to improve the existing review process for applicants who seek to resolve mistakes with their asylum clocks.
- It reaffirms the policy that the asylum clock will begin to run only when the asylum application is accepted by an immigration judge at an initial hearing, despite the fact that applications can be filed months in advance of an initial hearing.
- It reaffirms the policy that, even after an applicant-caused delay has been resolved, the asylum clock cannot start running until the next scheduled hearing date. Due to congested court dockets, hearing dates may be months or even years apart.
- It restates they will not start or restart the asylum clock when, after an appeal, a case is sent back to the immigration judge to revisit the asylum claim. This wrongly prevents asylum applicants from seeking work authorization after a lengthy appeal process and after an initial decision denying asylum has been vacated.

For asylum seekers who have fled persecution and are often in dire financial straits by the time they arrive in the United States, the inability to work can be devastating. Asylum applicants deserve a systemic overhaul of this broken clock system that ensures they will have an opportunity to work while they pursue their asylum cases, just as Congress intended.

To view the EOIR guidance in its entirety see:

- [EOIR Asylum Clock Guidance](#) [1] (November 15, 2011)

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