



Northwest Immigrant Rights Project Six-Month Report

Garcia Perez v. USCIS is a lawsuit on behalf of asylum seekers filed in the Western District of Washington in June 2022 by the Northwest Immigrant Rights Project (NWIRP) and the National Immigration Litigation Alliance (NILA). The lawsuit challenges U.S. Citizenship and Immigration Services' (USCIS) and the Executive Office for Immigration Review's (EOIR) policies and practices that unlawfully deny work authorization for asylum seekers while their claims are pending adjudication beyond six months. Due to USCIS' and EOIR's unlawful practices preventing them from qualifying for a work permit, these individuals seeking asylum are unable to work and find themselves in dire financial straits.

Currently, the case remains stayed as the parties continue to engage in settlement discussions. USCIS has already agreed to amend their policy to address the asylum employment authorization document (EAD) clock for individuals whose cases are remanded after successful appeals and has updated their website accordingly to clarify that these individuals will be credited with the total number of days on appeal toward their 180-day EAD clocks. By regulation, the running of this 180-day waiting period for employment authorization may be suspended only for applicant-caused delays in their immigration cases. Plaintiffs challenge defendants' recent policies and practices implemented in 2020 of stopping the asylum EAD clock without providing any written notice or an opportunity to challenge any inappropriate decisions stopping the clock.

Plaintiffs' counsel are optimistic about the parties' progress and hopeful that the parties will reach a settlement.