



U.S. Department of Justice
Civil Rights Division
Immigrant and Employee Rights Section

Refugees and Asylees Have the Right to Work Information for Employers

The Immigration and Nationality Act (INA) prohibits employers from discriminating against U.S. citizens and certain work-authorized non-U.S. citizens based on their citizenship, immigration status or national origin. The Immigrant and Employee Rights Section (IER) of the U.S. Department of Justice's Civil Rights Division enforces this law, found at [8 U.S.C. § 1324b](#). This document provides information on asylees' and refugees' employment rights, and information to assist employers during the process of verifying these workers' permission to work.

Background on Refugees and Asylees

The federal government grants refugee and asylee status to people who have been persecuted or fear persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Because of their status, refugees' and asylees' permission to work does not expire.

Refugee and Asylee Protections against Citizenship Status Discrimination

An employer cannot fire or refuse to hire an asylee or refugee based on citizenship or immigration status, unless a law, regulation, government contract, or executive order requires the employer to do so. This exception is rare and does not apply to the vast majority of jobs. An employer that believes a certain position requires it to hire someone with a specific citizenship or immigration status should carefully review the legal support for the requirement to ensure it falls within the exception.

Refugees, Asylees, and the Form I-9

Form I-9 Section 1: Worker Completes Section 1

Refugees and asylees are "aliens authorized to work" and mark that box in Section 1 of the Form I-9.

Because their permission to work does not expire, refugees and asylees write "N/A" in the expiration date field in Section 1.

Form I-9 Section 2: Worker Chooses Documentation

Like all workers, refugees and asylees do not need to prove their particular citizenship or immigration status when they complete the Form I-9. The purpose of the Form I-9 is to document a worker's identity and their permission to work.

Under the Form I-9 instructions, refugees and asylees, like all workers, can choose to present either an unexpired [List A](#) document, or a combination of an unexpired [List B](#) document together with an unexpired [List C](#) document to complete Section 2. The Form I-9 instructions explain that if any worker, including a refugee or asylee, decides to show a List B and a List C document, employers are not allowed to ask or require the worker to present a List A document, such as a Department of Homeland Security document. Requesting a specific document based on a worker's citizenship, immigration status or national origin could violate the law at 8 U.S.C. § 1324b(a)(6). Call IER for more information on workers' right to choose what documents to show you for the Form I-9.

Refugees and asylees may have a variety of documents that show their identity and their permission to work. Refugees and asylees may choose to show an Employment Authorization Documents (EAD), but they do not have to. Refugees or asylees may have EADs that appear expired but qualify for an automatic extension and are still valid. If a refugee's or asylee's EAD has expired but the worker has applied to renew the EAD, the worker may be able to keep working with the existing EAD. For up to 540 days after the EAD expiration date, the worker can continue working by showing you their EAD with the I-797C receipt notice (showing that the government received their EAD renewal application).

You can get more information on EAD automatic extensions and completing the Form I-9 in the [Handbook for Employers M-274](#). You can also call IER for more information.

Refugees and asylees can show other documentation. For example, they can show state identification (List B document) together with a Social Security card without employment restrictions (List C document). Refugees and asylees are eligible to receive [Social Security cards](#) with no employment restrictions because of their immigration status.

A refugee may also 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 are a type of Form I-9 document known as a receipt and are valid List A documents for 90 days from the first day of work, after which the worker must show either an EAD or a combination of a List B document and an unrestricted Social Security card. Call IER for more information on refugee Forms I-94. Refugees can also use their unexpired Department of State-issued Transportation Boarding Letter as an acceptable List B document.

An asylee may have a Form I-94 with an asylum approval stamp. This Form I-94 is a permanent List C document that does not expire. The Form I-9 instructions do not require employers to reverify this document, and an employer that reverifies a worker when not required to, based on the worker’s citizenship, immigration status or national origin may violate the law at 8 U.S.C. § 1324b(a)(6). You can get more information by contacting IER and in the [Handbook for Employers M-274](#).

Reverification Information

If the Form I-9 instructions require you to reverify a refugee’s or asylee’s work authorization using the Form I-9, you must treat that worker as you would any other worker during the reverification process. If a refugee or asylee presents an EAD for initial verification, you will reverify the worker’s permission to work when the EAD expires. Upon reverification, workers can present any valid List A document or List C document, such as an unexpired (including automatically extended) EAD or an unrestricted Social Security card.

These are just some examples. The rules for when an employer must ask for documents again are discussed in the [Handbook for Employers M-274](#). Workers do not have to show a List B document for reverification.

Follow all Form I-9 rules consistently, regardless of a worker’s citizenship, immigration status or national origin to avoid violating the law that IER enforces.

Refugees and Asylees Can Work While They Wait for a Social Security Number

Although the Social Security Administration (SSA) and the Internal Revenue Service (IRS) require you to record a Social Security number (SSN) for wage reporting purposes, a worker may start work and get paid for that work once the worker has completed the Form I-9, even if the worker is still waiting for an SSN. According to [IRS](#) and [SSA](#) guidance, you can use “000-00-0000” or “applied for” in your payroll system until the employee provides you with the SSN.

If you use E-Verify, E-Verify instructs you to [delay creating the E-Verify case](#) until the worker has received an SSN. The worker may work during this time if the worker has completed the Form I-9. [E-Verify rules](#) specifically allow for this exception and provide instructions for creating the case. More information is available at www.e-verify.gov.

IER Employer Hotline 1-800-255-8155

IER Worker Hotline 1-800-255-7688

Mon-Fri 9am-5pm ET

Calls can be anonymous and language services are available.

www.justice.gov/ier | www.justice.gov/crt-espanol/ier

TTY 1-800-237-2515