



## Employer Fact Sheet

# How to Avoid Discrimination When Hiring Workers Granted Asylum or Refugee Status

This fact sheet provides information on employment rights that someone granted asylum or refugee status has and how employers can avoid unlawfully discriminating against these workers.

An employer that discriminates based on someone's citizenship, immigration status, or national origin might violate the Immigration and Nationality Act's anti-discrimination provision. This law is found at [8 U.S.C. § 1324b](#).



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## Contact

For questions about this fact sheet, call the Civil Rights Division's **Immigrant and Employee Rights Section** at

**1-800-255-8155**

### Background on asylum and refugee status

The federal government grants asylum and refugee status to people who have been persecuted or fear persecution based on race, religion, nationality, membership in a particular social group, or political opinion.

Someone granted asylum or refugee status has permission to live and work in the United States that doesn't expire.

### Protections against citizenship status discrimination

An employer can't fire or refuse to hire someone granted asylum or refugee status 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.

**Denying someone granted asylum or refugee status the opportunity to work based on their citizenship or immigration status could violate the law.**

### Completing the Form I-9 for workers granted asylum or refugee status

#### Form I-9 Section 1

##### *Worker completes Section 1*

Someone granted asylum or refugee status should select "A Noncitizen Authorized to Work" in Section 1. Because their permission to work does not expire, these workers write "N/A" in the expiration date field in Section 1.

#### Form I-9 Section 2

##### *Worker chooses documentation*

Like all workers, someone granted asylum or refugee status doesn't 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, someone granted asylum or refugee status, like all workers, can choose to present acceptable documentation from [List A](#), or a combination of documentation from [List B](#) and [List C](#).

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The Form I-9 instructions explain that if any worker, including someone granted asylum or refugee status, 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.

Call the Civil Rights Division's Immigrant and Employee Rights Section (IER) for more information on workers' right to choose which documents to show you for the Form I-9.

**Requesting a specific document based on a worker's citizenship, immigration status, or national origin might violate the Immigration and Nationality Act's anti-discrimination provision.**

### Information on Form I-9 documentation workers granted asylum or refugee status might have

Someone granted asylum or refugee status may choose to show an Employment Authorization Document (EAD), but they don't have to.

These workers may have EADs that appear expired but qualify for an automatic extension and are still valid. If someone granted asylum or refugee status has applied to renew their EAD by the expiration date listed on the EAD, the worker may be able to [keep working](#) with the existing EAD. For a period of time 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).

**Someone granted asylum or refugee status may have a [variety of documents](#) that show their identity and their permission to work.**

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.

Someone granted asylum or refugee status 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). These workers are eligible to receive [Social Security cards](#) with no employment restrictions because of their immigration status.

Someone granted refugee status 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

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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.

Someone granted refugee status can also use their unexpired Department of State-issued [Transportation Boarding Letter](#) as an acceptable List B document.

Someone granted asylum 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 don't 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 might violate the law.

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 the Form I-9 documentation that someone granted asylum or refugee status presented, you must treat that worker as you would any other worker during the reverification process.

If someone granted asylum or refugee status presents an EAD for initial verification, you will reverify the worker's permission to work when the EAD expires.

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 an employee's citizenship, immigration status, or national origin to avoid violating the law that IER enforces.

**Upon reverification, workers can present any valid [List A](#) document or [List C](#) document, such as an unrestricted Social Security card or an unexpired (including automatically extended) EAD. Workers can also show a valid receipt.**

### Workers granted asylum or refugee status can work while they wait for a Social Security number

Although the Social Security Administration and the Internal Revenue Service require you to record a Social Security number 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 a Social Security number.

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According to [Internal Revenue Service](#) and [Social Security Administration](#) guidance, you can use “000-00-0000” or “applied for” in your payroll system until the employee provides you with the Social Security number.

If you use E-Verify, E-Verify instructs you to [delay creating the E-Verify case](#) until the worker has received a Social Security number. 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 [e-verify.gov](https://e-verify.gov).

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### Civil Rights Division, Immigrant and Employee Rights Section (IER)



- Call the Employer Hotline at **1-800-255-8155**
- For people with hearing disabilities **1-800-237-2515**
- Calls can be anonymous.
- Free language services are available.



- To learn more, visit **[justice.gov/ier](https://justice.gov/ier)**