



# Getting a Work Permit in the U.S. during Removal Proceedings






# Introduction

This comprehensive guide is a valuable resource created to help undocumented immigrants get a start working legally in the United States. If you're asking, "How do I get a job in America?", the answer often starts with obtaining legal work authorization.

For many undocumented immigrants, finding employment often feels overwhelming and sometimes that journey includes navigating asylum and removal defense processes as well.

This ultimate guide explains how work permits, asylum, and removal defense are interconnected paths toward stability, legality, and opportunity in the U.S. With our help, you can go through this process confidently, take control of your future, and finally gain the stability you deserve.





# What Does it Mean to Legally Work in the U.S.?

For immigrants having a new life in the U.S., the ability to work legally can be a transformative milestone. It opens doors to economic opportunities, ensures compliance with U.S. laws, and provides access to essential benefits like a Social Security Number. But what does it actually mean to “legally work” in the United States, and why is it so important?

## What is a Work Permit?

A work permit, officially known as an Employment Authorization Document (EAD), is a government-issued document that allows immigrants to work legally in the United States. Issued by the U.S. Citizenship and Immigration Services (USCIS), the EAD is available to certain individuals who meet eligibility requirements, such as asylum seekers, applicants for adjustment of status, and DACA recipients.

Having an EAD is more than just a document; it's a symbol of stability and compliance, offering you the ability to seek lawful employment and earn wages that support your family and future.

Many undocumented immigrants resort to working without proper authorization out of necessity. However, doing so comes with significant risks, such as exploitation, lack of legal protections, and potential legal consequences. On the other hand, obtaining work authorization provides not only legal protection but also better job prospects, fair wages, and the ability to access employment benefits.

## **Economic Opportunities with Work Authorization**

When you have legal authorization to work, your opportunities expand significantly. With an EAD, you can:

- Apply for better-paying jobs and career advancement opportunities.
- Work in industries that offer benefits such as health insurance and retirement plans.
- Build a stable financial future for yourself and your family.

Legal employment also makes it easier to establish credit, rent housing, and, in some cases, even qualify for home loans.

But there are more than just opportunities, here are some key benefits of having a work document:

- Social Security Number (SSN):

One of the most important benefits of obtaining work authorization is the ability to apply for an SSN. This unique number not only allows you to work legally but also connects you to government benefits like Social Security and Medicare in the future. It's also essential for filing taxes and accessing financial services.

- Ability to Drive Legally:

Many states, including Virginia, allow immigrants with legal work authorization to [apply for a driver's license](#). This makes commuting to work, running errands, and supporting your family much easier and safer. (For immigrants without a work document, some states, including Virginia, may still issue you a driver's privilege card.)

- **Access to Legal Protections:**

Working legally ensures that you are protected under U.S. labor laws, including minimum wage requirements, overtime pay, and workplace safety standards.

Let's be honest, aside from the new benefits and opportunities, all the anxiety and worry you felt while working illegally will fade away. You'll not only see improvements in your physical circumstances but also in your mental health.

## **Your Obligations: Paying Taxes**

Whether or not you have a work permit, paying taxes is a legal obligation in the U.S.. Even undocumented workers are required to report their earnings and pay taxes using an [Individual Taxpayer Identification Number \(ITIN\)](#). For those with work authorization, filing taxes becomes even more straightforward with an SSN.

Why is this important? Complying with U.S. tax laws demonstrates good moral character, which can pos-

itively impact future immigration applications. Additionally, paying taxes helps support public services like schools, healthcare, and infrastructure that benefit everyone in the country.

## **Legal Relief as a Gateway to Work Authorization**

### **Asylum as a Path to Safety and Legal Work**

If you fear persecution in your home country due to your race, religion, nationality, political opinion, or membership in a particular social group, asylum offers a lifeline. By applying for asylum, you can legally remain in the United States while your case is under review.

Key benefits of asylum:

- **Legal Presence:** Once your asylum application is filed, you can stay in the U.S. legally.
- **Work Permit Eligibility:** After 150 days of filing your initial asylum application, you can apply for a work permit (Employment Authorization Document or EAD).
- **Permanent Residency Opportunity:** If your asylum request is approved, you gain permanent work



authorization and become eligible to apply for a green card, providing a long-term solution for your immigration and employment needs.

### **Removal Defense and Work Authorization**

For individuals facing deportation, also known as removal proceedings, options like removal defense can be a lifeline. While navigating these legal challenges, individuals may still qualify for work authorization to support themselves and their families.

Work permits during removal proceedings rely on legal defenses, such as:

- **Cancellation of Removal** – If you can meet requirements like continuous residence in the U.S. and demonstrating exceptional hardship to eligible family members, you may not only receive relief from deportation but also qualify for permanent residency.
- **Family-Based Petitions** – Spouses or close relatives who are U.S. citizens or lawful permanent residents can file petitions that serve as the foundation for work authorization while your case is processed.



- Special Immigrant Juvenile Status (SIJS) and U Visas – These pathways, often for victims of crime or abuse, also offer protection and eligibility for work permits.

## **Why Work Permits Are Key to Legal and Economic Stability**

Having lawful work authorization is not just about earning a wage; it's about securing a foundation for your future. A work permit ensures that you can support yourself financially, access employee benefits, and further your career without fear of legal repercussions. Importantly, working legally strengthens your immigration case by demonstrating good moral character and a commitment to contributing to society.

## **Navigating the Complex Process**

The process of obtaining legal relief and work authorization often involves multiple stages, detailed documentation, and strict deadlines. Preparing for hearings, securing evidence, and submitting accurate applications are all vital to success. Working with an experienced immigration attorney ensures

that your case is presented effectively, minimizing errors that could lead to delays or denials.

### **Legal Relief and Work Authorization Work Hand-in-Hand**

Obtaining asylum while in removal proceedings may seem daunting, but these legal options are invaluable gateways to stability. By providing a pathway to lawful work, they empower individuals to rebuild their lives, support their families, and contribute meaningfully to their communities while ensuring legal compliance.

# How to Get a Work Permit (EAD) as an Undocumented Immigrant

To apply for a work permit, you need to have an immigration status or pending application that gives you the legal right to request permission to work in the U.S. This means that simply being in the country is not enough, you must be connected to a specific immigration process, like applying for asylum or having Temporary Protected Status (TPS), that allows you to qualify for an Employment Authorization Document (EAD). The EAD is directly tied to your case, so your eligibility depends on the type of application or immigration status you have.

In this guide, we'll explain how to apply for a work permit using Form I-765 and discuss the types of immigration cases that are most commonly used as the foundation for requesting work authorization.



# How to Apply for a Work Permit with Form I-765

The application for a work permit begins with [Form I-765](#), the official USCIS form for requesting employment authorization. Here's how to navigate the process:

**Obtain Form I-765:** Start by downloading [Form I-765](#) from the official USCIS website. The form is accompanied by detailed filing instructions that you should review carefully to ensure you understand the eligibility requirements for your specific immigration status. Be mindful to use the most up-to-date version of the form, as using an outdated form can result in delays or a rejected application. If you have any doubts about how to proceed, [consulting with an immigration attorney](#) can help clarify the process.

**1. Complete the Form:** Accurately fill out every section of Form I-765, providing details such as your personal information, current immigration status, and the specific eligibility category under which you are applying. Take your time with this step, as

errors or omissions can lead to processing delays. Ensure that your answers match the information on your immigration documents, such as your I-94 arrival/departure record or asylum receipt notice. If you're unsure of how to answer a question, refer to the instructions or seek professional assistance to avoid mistakes.

**2. Gather Supporting Documents:** Supporting documentation is critical to proving your eligibility for a work permit. This typically includes:

**Proof of Immigration Status:** [Documents](#) such as your [I-94](#), asylum receipt notice, Temporary Protected Status (TPS) approval notice, or adjustment of status receipt.

**Proof of Identity:** A copy of your valid passport, foreign birth certificate with translation, or other government-issued photo ID.

**Additional Evidence:** Depending on your case, you may need to include marriage certificates, affidavits, or other documents to support your eligibility category. Make sure all documents are clear, legible copies, as originals are not required. However, all documentation must be unexpired and consistent with the information provided in your application.

- 3. Pay the Filing Fee (if applicable):** Many applicants are required to pay a filing fee, which is currently \$520 for most categories. However, certain individuals, such as asylum applicants, may qualify for a fee waiver. If you're requesting a waiver, you'll need to submit [Form I-912](#), along with evidence of financial hardship or qualification for certain public benefits. For those paying the fee, USCIS accepts checks, money orders, or credit card payments using [Form G-1450](#). Double-check the current fee schedule on the USCIS website, as fees are subject to change.
- 4. Submit Your Application:** Once everything is ready, submit your completed application to the correct USCIS address. The mailing address varies depending on the eligibility category you've selected and the method of delivery (e.g., U.S. Postal Service or courier service). If your category allows for online filing, you can create an account on the [USCIS Online Account System](#) and file electronically, which can speed up the process. Include a cover letter summarizing the contents of your application packet for clarity.
- 5. Track Your Case:** After USCIS receives your ap-

plication, they will send you a receipt notice, also known as Form I-797C, with a unique case number. This number allows you to track the progress of your application through the USCIS Case Status Online tool. Keep this receipt in a safe place, as you may need it for future correspondence with USCIS. Processing times vary depending on your eligibility category and case complexity, so check the estimated processing time for your case type on the USCIS website.

## **The Basis for Your I-765 Application**

To receive a work permit in the United States, the key is having an immigration status or application that makes you eligible for an Employment Authorization Document (EAD). This isn't just a formality; the basis of your EAD application reflects your connection to a legal process that allows you to stay and work in the U.S. Let's explore some common paths that can serve as the foundation for requesting work authorization, and how they might apply to your situation.



If you're seeking asylum, for example, the work permit becomes a critical tool while waiting for your case to be decided. Asylum seekers can apply for an EAD 150 days after submitting their application, provided no decision has been made by USCIS or the immigration court. Once granted, asylum not only provides protection but also opens doors to permanent work authorization.

For those in [removal proceedings](#), applying for asylum or even for [cancellation of removal](#) can provide a pathway to stay in the U.S. and potentially secure work authorization. While your case is pending, the work permit can help you support your family, contribute to the economy, and establish roots that may strengthen your case.

Applicants for [Temporary Protected Status \(TPS\)](#), often fleeing from dangerous or unstable conditions in their home country, are automatically eligible for work permits once TPS is granted. This status is both a shield from deportation and a stepping stone to lawful employment during the period of protection.

Immigrants protected under Deferred Action for Childhood Arrivals (DACA) can also apply for work authorization as part of their deferred action approval. This opportunity allows DACA recipients to legally work, build careers, and support their families despite their temporary status.

Victims of crimes who apply for a [U visa](#) often face unique hardships, but one bright spot is the ability to apply for an EAD while their application is pending. This work authorization allows them to rebuild their lives and find stability while their case is processed.

Lastly, for those applying for [adjustment of status](#), often based on marriage to a U.S. citizen or another immediate relative, work authorization can be requested alongside the green card application. This ensures that you can work legally while waiting for permanent residency.

Each of these pathways highlights how the work permit is not just about earning a living, it's about creating stability, contributing to your community, and demonstrating your commitment to building a

future in the U.S. If you're unsure about which immigration options might apply to you, it's important to seek guidance and explore every avenue available. At Tingen Law, we specialize in evaluating your immigration status and helping you identify the best path forward.



# What About a Social Security Number and a Driver's License?

When building a life as an immigrant in the U.S., having essential documents like a [Social Security Number \(SSN\)](#) and a driver's license isn't just about meeting legal requirements, it's about gaining independence and a sense of belonging. These documents allow you to work, drive, and access vital services, but more importantly, they symbolize progress toward a stable and secure future in your community.

Let's explore what you need to know about obtaining and using these critical forms of identification.

## **Social Security Number**

A [Social Security Number \(SSN\)](#) is a nine-digit number issued by the U.S. government, primarily used to track earnings and ensure proper credit for taxes paid into the Social Security system. For immigrants, obtaining an SSN is a critical step in accessing lawful employment and building a foundation in the U.S.

Today, when you apply for a work permit (EAD), you can request an SSN on the same form, streamlining the process. Once issued, your SSN card will likely include the note, “Valid for Work Only with DHS Authorization,” meaning it’s tied to your EAD. This designation is temporary; if your immigration status changes to permanent residency or citizenship, you can update your card at the Social Security Administration to remove the restriction.

## **Driver’s License Requirements**

Every state in the U.S. has its own rules for issuing driver’s licenses to immigrants. Some states, such as California and New York, allow undocumented immigrants to obtain a license, while others require proof of legal presence. It’s important to research

the specific requirements in the state where you live.

In Virginia, you'll need specific documentation to apply for a driver's license, even if you already have an EAD. This includes proof of identity, legal presence, Virginia residency, and, in most cases, your Social Security Number. For more detailed information on what's required and how to apply, check out [our guide to obtaining a driver's license in Virginia.](#)

If you don't yet have a work document, don't worry. In Virginia, you can still request a driver's privilege card. [Check our guide to getting a driver's privilege card to learn more.](#)

# How Long Will It Take?

One of the most common questions for immigrants applying for a work permit is how long they'll need to wait before they can legally start working. The timeline can vary depending on your specific situation and the type of application you've submitted. While understanding the general process can help you plan ahead, it's equally important to remain patient, immigration procedures often take time, and delays are not uncommon. By staying informed and proactive, you can make this waiting period feel a little more manageable.





# EAD Timeline with Pending Asylum

If you've applied for asylum, the wait for a work permit is tied to what's called the asylum clock. Once your asylum application is received and accepted by [USCIS](#) or the immigration court, the clock starts counting. You must wait 150 days from the date your application was filed before you're eligible to apply for a work permit using [Form I-765](#). After applying, USCIS will process your request, which can take several additional months.

However, delays can occur if the asylum clock is stopped. Common reasons can include missing an immigration court hearing or changing the venue of your immigration hearings. If the clock stops, you won't be eligible to apply for a work permit until it resumes. It's crucial to keep track of your asylum clock and work closely with your attorney to avoid unnecessary delays.

## How to Check EAD Case Status

Once you've applied for your work permit, you can track the status of your case through the [USCIS Case Status Online tool](#). To check your status:

1. Visit [uscis.gov](https://uscis.gov).
2. Enter the receipt number from the [Form I-797C](#) Notice of Action, which you'll receive after USCIS accepts your application.
3. Review the updates provided for your case.  
These updates will indicate whether your application is being processed, if additional information is required, or when a decision has been made.

[Checking your case status](#) regularly ensures you're informed about any updates or potential issues with your application.



# Can Undocumented Immigrants Work Without Papers?

If you've worked without legal authorization in the U.S., it's essential to understand both the risks and responsibilities that come with this situation. While working without papers can create challenges for your immigration case, paying taxes on your income is a critical step toward demonstrating good moral character, especially if you are in removal proceedings or applying for relief like asylum or cancellation of removal.

## **Why Pay Taxes?**

Paying taxes, even if you lack legal work authorization, shows the government that you are contributing to society and fulfilling your obligations. Filing taxes with an Individual Taxpayer Identification Number (ITIN) allows you to report your earnings properly. This step can strengthen your case by demonstrating your commitment to complying with U.S. laws and supporting public systems.

## **The Consequences of Unauthorized Work**

However, it's also important to understand the risks of working without authorization. Doing so makes you inadmissible under immigration law, which means it could block you from receiving certain immigration benefits, such as adjustment of status to a green card. For example, unauthorized work sometimes, though not always, complicates applications for permanent residency or other legal statuses unless a specific exception applies.

If you're in removal proceedings or pursuing a path to legalization, it's critical to be honest about your work history and consult with an immigration attor-

ney. They can help you navigate these challenges, ensure you comply with your tax responsibilities, and explore the best strategies for moving forward in your case.

# Conclusion

Obtaining legal work authorization is more than just paperwork—it's the foundation for building a stable and secure future in the United States. A work permit opens doors to better job opportunities, ensures compliance with U.S. laws, and grants you access to crucial benefits like fair wages, Social Security, and even a driver's license. While the process may seem complex, you don't have to face it alone.

At Tingen Law, we've helped countless clients navigate these challenges, secure their work permits, and take the first step toward a brighter future. Let us help you evaluate your case, explore your options, and confidently move forward with your immigration journey.

[Contact us today](#) to schedule a consultation and get your case evaluated by our experienced immigration attorneys. You can also check out more helpful resources and videos on our [vv](#) for guidance on immigration topics, including how to apply for work authorization.