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# Government Data Reveal

## 7.4 Million Work Permits Issued since 2009

By **Jessica M. Vaughan**

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**G**overnment data reveal that more than 7.4 million work permits were issued to aliens from 2009 to 2014. Because neither lawful permanent residents (green card holders) nor temporary work visa holders need a work permit, this amounts to a huge parallel immigrant work authorization system outside the numerical limits and categories set by Congress. The huge number of work permits being issued above and beyond these limits inevitably reduces opportunities for U.S. workers, damages the integrity of the immigration system, and encourages illegal immigration.

Approximately 2.1 million work permits were issued to aliens with temporary visas or who entered under the Visa Waiver Program. Of these, about 1.4 million (66 percent) had a visa status for which employment is generally prohibited under the law, except in what are supposed to be rare cases. For example, more than 548,000 work permits were issued to aliens on tourist visas and 593,000 were issued to foreign students. More than 213,000 were issued to dependents of students and guestworkers — all categories in which the law prohibits employment except in rare circumstances.

Of the total, 1.1 million work permits were issued to aliens who have a legal status that leads directly to a green card. These were primarily refugees (420,000), fiancés of U.S. citizens (150,000), and approved asylum applicants (243,000).

More than 2.2 million work permits were issued over this time period to illegal aliens or aliens unqualified for admission. Nearly all of these (2.1 million) were illegal aliens who crossed the border illegally (Entered Without Inspection). Inexplicably, 2,860 work permits were issued to aliens who were denied asylum, were suspected of using fraudulent documents, were stowaways, or were refused at a port of entry.

About 129,000 were issued to aliens who were granted parole to enter the United States. Grants of parole are supposed to be used very sparingly to allow the admission of an ineligible or unqualified alien for exceptionally compelling humanitarian reasons, such as emergency medical care or for a purpose that is important to the national interest.

A huge number of work permits, 1.9 million, were issued to aliens whose status was unknown, not recorded by the adjudicator, or not disclosed by U.S. Citizenship and Immigration Services (USCIS), the agency that processes the applications. This should be a concern; work permits are a gateway document to driver's licenses and other benefits, and if the government agency issuing them does not know or will not disclose how the bearer arrived in the country, how can others rely on the authenticity of this individual's identity? If the government does know, and chooses not to disclose it, that is equally concerning.

These statistics were obtained from USCIS in a Freedom of Information Act request. Status classifications are based on information from the work permit application that is entered into USCIS databases. The agency provided the majority of the data classified according to the immigration status furnished by the applicant.

**TPS and DACA Likely Counted in Unknown/Unreported.** A large number of cases were classified as Unknown or Unreported. This may be because these cases were processed using a different case management system. For example, cases approved under the Temporary Protected Status (TPS) and Deferred Action for Childhood Arriv-

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als (DACA) programs are not apparent in this data. According to sources, these two types of cases are processed using a separate case management system and this may explain why they were not identifiable in the data set. For this reason, it appears that TPS and DACA cases are counted in the Unknown/Unreported line item, not according to the applicants' immigration status at time of entry. This would mean that the large number of work permits issued to aliens who entered illegally or on tourist visas are *in addition to* the illegal aliens who have received work permits under TPS or DACA.

Of the total number of work permits issued from 2009-2014, 4.7 million were first-time issuances and 2.7 million were renewals of expired work permits. For details on the breakdown of initial issuances and renewals by category, see [here](#).

**Fastest Growing Categories.** The fastest growth in issuances over the time period were to aliens classified as tourists, foreign students, dependents of temporary workers, and illegal aliens. Annual issuances to these categories doubled from 2009 to 2014.

**Work Permits Allow Prospective Immigrants to Jump in Line.** Traditionally, work permits have been issued with little controversy to aliens in transition to a legal status, such as an approved applicant for asylum.

Other scenarios are more controversial. For example, many work permits are being issued to aliens who have a temporary legal status and who are being sponsored for a green card through marriage or employment. The law allows this only for aliens who have maintained a legal status (although these numbers raise concerns if the law is being followed for illegal aliens adjusting with the Obama administration's [provisional waivers](#)). USCIS typically approves the work permit even if the alien's green card has not yet been approved, and even if the alien is years away from actually submitting the application due to the numerical limits and waiting lists in many categories. When USCIS allows these aliens to receive a work permit, it is essentially letting these future applicants jump in line before other sponsored future immigrants who are waiting their turn in their home countries. Even worse, when USCIS allows hundreds of thousands of aliens who entered with tourist visas or visa waivers to game the system in this way, with the likelihood that the aliens lied to consular officers or port of entry inspectors, the agency is directly undermining the integrity of the legal immigration and entry system and the rules established by Congress.

**Work Permits Launder Status of Illegal Aliens.** The most controversial issuance of work permits has been to large groups of aliens, usually present illegally. The most well known instances are the TPS and DACA programs, but the data show that apparently there are about a million other illegal aliens who have been issued work permits. These are most likely aliens who have been arrested by ICE or the Border Patrol and put into lengthy deportation proceedings, asylum applicants, aliens released on an order of supervision, other categories of prosecutorial discretion, and aliens who cannot be removed to their home countries.

The proportion of initial issuances to the total is an indication of whether the work permits issued in that category are transitional or short-term in nature. In general, illegal aliens were by far the category most likely to be granted renewal of work authorization, indicating that they are in the country without legal status for years.

These statistics indicate that the executive branch is operating a huge parallel immigrant work authorization system outside the bounds of the laws and limits written by Congress. Millions of work permits are being issued to illegal aliens and aliens admitted legally, but in a non-work authorized category. This practice represents an abuse of executive authority that inevitably reduces job opportunities for Americans. In addition, allowing work permits to be issued to illegal aliens and temporary visitors damages the integrity of the legal immigration system and encourages illegal immigration.

**Table 1. EADs, 2009-2014, Summary by Class**

	2009	2010	2011	2012	2013	2014	Total
<b>Temporary Categories</b>							
Diplomats/Employees	2,823	2,648	2,715	2,718	2,937	3,034	16,875
Business Visitor (Includes Domestic)	14,303	14,461	11,208	11,351	11,284	11,176	73,783
Tourist*	72,313	72,538	67,135	85,381	110,999	139,156	547,522
Bering Strait Entry*	12	9	6	14	3	11	55
Transit Status*	890	1,103	955	1,164	1,312	1,086	6,510
Crew*	112	119	94	118	126	111	680
Treaty Traders/Investors/Workers	6,841	6,941	6,889	7,813	9,339	8,710	46,533
Foreign Students*	75,793	77,299	79,375	87,572	111,582	161,109	592,730
Dependents of Students*	3,032	3,098	2,787	3,551	3,928	3,571	19,967
International Organization Staff	3,053	3,054	3,139	3,009	3,037	3,357	18,649
Temporary Worker (H)	36,516	44,094	32,779	63,665	54,760	35,879	267,693
Family of Temporary Workers*	17,457	21,147	16,239	34,772	30,424	20,161	140,200
Foreign Journalists	102	100	108	97	130	104	641
Exchange Students and Workers	8,784	9,116	9,327	9,969	10,581	11,099	58,876
Family of Exchange Students/Workers*	7,528	6,971	7,120	7,677	8,517	8,243	46,056
Intracompany Transferees and Family	28,329	26,604	30,536	36,187	38,952	39,925	200,533
NATO Staff and Families	307	208	136	122	123	233	1,129
Workers of Extraordinary Ability	1,328	1,284	1,296	1,623	1,833	1,680	9,044
Family of Extraordinary Workers *	664	547	484	618	692	658	3,663
Artists and Entertainers	919	1,011	1,011	1,136	1,201	1,123	6,401
Family of Artists and Entertainers*	104	120	116	171	227	132	870
Cultural Exchange Workers	161	132	116	122	115	112	758
Religious Workers	4,882	3,506	2,408	3,033	2,677	2,393	18,899
Trafficking Victims and Families	328	250	446	545	693	912	3,174
Trade Agreement Workers	336	351	320	377	283	288	1,955
Family of Trade Agreement Workers*	337	359	329	523	553	543	2,644
Visa Waiver*	5,631	5,291	4,610	6,316	7,993	6,169	36,010
<b>Subtotal</b>							<b>2,121,850</b>
<b>Permanent or Pre-Permanent Categories</b>							
Battered Spouse or Child	418	223	89	170	164	339	1,403
Approved Asylum	32,689	91,690	25,329	30,252	30,386	32,973	243,319
Special or Replacement Agricultural Workers	19	32	61	52	31	28	223
Legal Permanent Resident/Immigrant	40,697	52,590	39,738	50,298	63,342	53,499	300,164
Refugees	76,863	75,413	60,427	61,293	73,561	72,205	419,762
Crime Victims and Families	62	360	933	1,073	1,932	2,565	6,925
Family Green Card Waiting List (V)	2,146	1,612	1,375	1,063	1,153	849	8,198
Fiancees (K)	27,624	27,258	21,120	23,775	21,918	28,404	150,099
Family Unity Program	26	20	38	30	41	34	189
<b>Subtotal</b>							<b>1,130,282</b>
<b>Illegal, Unqualified or Ineligible Aliens</b>							
Parolees*	16,661	27,596	10,008	30,817	33,647	10,406	129,135
Entered Without Inspection*	345,456	345,916	131,460	439,462	621,051	228,381	2,111,726
Denied Asylum*	13	13	16	17	28	18	105
Suspected Document Fraud*	7	6	8	18	20	10	69
Stowaway*	155	436	447	322	758	377	2,495
Withdrew Application for Admission*	44	11	26	38	51	21	191
<b>Subtotal</b>							<b>2,243,721</b>
<b>Pacific Island Territories</b>	117	243	171	179	231	203	<b>1,144</b>
<b>Miscellaneous</b>	298	377	36	76	809	70	<b>1,666</b>
<b>Unknown or Unreported</b>	294,178	337,307	305,493	348,751	425,232	208,771	<b>1,919,732</b>
<b>Total</b>	<b>1,130,358</b>	<b>1,263,464</b>	<b>878,459</b>	<b>1,357,330</b>	<b>1,688,656</b>	<b>1,100,128</b>	<b>7,418,395</b>

Source: USCIS

\* Categories of aliens not originally admitted for employment or unqualified for admission.