News

Guatemalan migrants work at a farm in Kern County, Calif., June 18, 2025. The U.S. bishops a

Guatemalan migrants work at a farm in Kern County, Calif., June 18, 2025. The U.S. bishops and other Catholic groups have issued public comments expressing concern about still-pending proposed federal regulations that would further restrict asylum-seekers and other migrants and their families from work authorization and housing assistance. (OSV News/Reuters/Pilar Olivares)

Kate Scanlon

View Author Profile

OSV News

View Author Profile

Join the Conversation

Send your thoughts to *Letters to the Editor*. Learn more

Washington — May 15, 2026

Share on BlueskyShare on FacebookShare on TwitterEmail to a friendPrint

Erin Corcoran, an associate teaching professor and executive director of the Kroc Institute for International Peace Studies at the University of Notre Dame, told OSV News that taken together, the two regulations, which have yet to be finalized, are among the "procedural barriers for asylum applicants" that the second Trump administration has pursued.

Procedural barriers to apply for work, she said, "creates more economic consequences for these individuals," which can be "very dehumanizing." Barriers to work also create a need for housing benefits, she said.

A proposed regulation from the Department of Housing and Urban Development would prohibit persons other than U.S. citizens or certain categories of eligible noncitizens from the department's assisted housing programs.

In a February press release regarding its proposal, HUD argued the regulation would close what it called the "roommate loophole," arguing it would mean those without legal status would "no longer be able to take advantage of taxpayer-funded benefits intended for American citizens or people with eligible status."

But critics argued the proposal, which has sometimes been referred to as the mixed-status rule, would force otherwise eligible families with both citizen and ineligible noncitizen members from participation in housing assistance outright rather than the current practice of offering prorated rates for eligible members.

A few days later, the Department of Homeland Security issued a proposed regulation that would change filing and eligibility requirements for asylum applicants requesting employment authorization, introducing a longer waiting period. DHS argued the regulation would reduce frivolous or fraudulent claims, but critics argued it would introduce new inefficiencies because of the new delays in the application process.

Both proposed regulations were issued in February. A public comment window for each closed in April.

The U.S. Conference of Catholic Bishops and Catholic Legal Immigration Network Inc., also known as CLINIC, wrote in an April 24 public comment letter to DHS that the proposed changes "would undermine the rights of displaced people seeking asylum in the United States by excluding them from work in the mainstream economy, limiting not only their ability to access counsel and pay the fees now required to pursue asylum, but their ability to support themselves and their families in safety and dignity."

Corcoran stressed that work authorization is not "guaranteeing someone a job, you're just guaranteeing them the ability to apply for a job."

The DHS regulation was proposed before Kristi Noem was removed as secretary of the Department of Homeland Security. Markwayne Mullin has since been confirmed to that role.

Karen Sullivan, director of advocacy for CLINIC, told OSV News, "We can only hope that new leadership would read this proposed regulation with fresh eyes and realize the harm it will do to those who have already suffered so much."

"All of us want to ensure the integrity of the asylum system, so that it is not abused and its benefits are available to those who most need them. But integrity measures that harm the credible filers along with the frivolous filers are degrading the integrity of the asylum system by harming those it is intended to protect," Sullivan added.

Joseph Thomas, 18, who migrated to the U.S. from Venezuela with his family in 2023, looks at

Joseph Thomas, 18, who migrated to the U.S. from Venezuela with his family in 2023, looks at his phone in his house in St. Paul, Minn., Feb. 7, 2026. The U.S. bishops and other Catholic groups have issued public comments expressing concern about still-pending proposed federal regulations that would further restrict asylum-seekers and other migrants and their families from work authorization and housing assistance. (OSV News/Reuters/Go Nakamura)

Cecilia Esterline, senior immigration policy analyst for the nonpartisan Niskanen Center, who also submitted a public comment critical of the proposal, told OSV News in a May 11 interview that the proposed DHS regulation would introduce new inefficiencies in the application process, such as requiring the submission of biometrics every 18 months, meaning applicants must be fingerprinted every 18 months.

Introducing new delays in that process, Esterline argued, is "operationally a disaster, because USCIS is a fee-funded agency, and USCIS therefore does not necessarily receive a lot of funding from Congress."

Therefore the agency – U.S. Citizenship and Immigration Services – relies on fees to "keep their doors open," she said, so adding a waiting period would not likely improve efficiency or speed since it would result in a reduction in available funds.

The Center for Immigration Studies, which supports low immigration levels, submitted a public comment in favor of aspects of the proposal, such as the submission of biometrics by applicants, arguing it would "reduce security gaps in the asylum system."

Esterline said, "The premise that people who do not have a valid asylum claim are utilizing the system that we have currently and its inefficiencies in order to get access to work authorization – that is an accurate diagnosis of the problem."

"But that problem is driven by inefficiencies in our system, and (DHS's) proposals actually increase inefficiency," she said. "So the idea that someone needs to go give their fingerprints in person every 18 months, for something that they're just getting a simple renewal on, is kind of an absurd requirement."

In an April 21 public comment letter, the USCCB, Catholic Charities USA, the Society of St. Vincent de Paul USA, CLINIC and the Catholic Health Association of the United States wrote that they wanted to "share our grave concerns" with HUD regarding their proposed regulation.

"Our organizations have grave concerns regarding the proposed rule, which we believe is contrary to law and in tension with the dignity of the person, the sanctity of the family, and the common good that we are called to support," that letter said.

Pointing to that letter, Corcoran said that the proposed HUD regulation would in effect likely lead to families being unable to live with one another, as "most immigrant families live in mixed (households) or mixed-status families for a variety of different reasons."

She said the two regulations relate "directly" for those with pending asylum applications who have not yet received work authorization.

"In addition to not being able to work, you're not eligible to receive any federal benefits, so you can't receive housing assistance, you can't receive food stamps, you can't receive cash assistance, you can't receive Medicaid, Medicare, because you have no status. You just have this pending status," she said. "And so you're really at the mercy of people's generosity."

Advertisement

This story appears in the **Immigration and the Church** feature series. View the full series.