



U.S. Department of Justice  
Immigration and Naturalization Service

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Office of the Executive Associate Commissioner

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Washington, DC 20536

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MEMORANDUM FOR DISTRIBUTION

FROM: Johnny N. Williams  
Executive Associate Commissioner  
Office of Field Operations

SUBJECT: Immediate Issuance of Form I-688Bs to New Refugees and Asylees

Effective November 10, 2002, Form I-688B, *Employment Authorization Cards*, are to be issued to all individuals admitted as refugees under section 207 of the Immigration and Nationality Act (INA) immediately upon their arrival in the United States and to all individuals granted asylum under section 208 of the INA immediately upon the grant of asylum. This on-the-spot employment authorization processing is being established by the Immigration and Naturalization Service (the Service) to implement section 309 of the Enhanced Border Security Act and Visa Entry Reform Act of 2002 (BSA), which President Bush signed into law on May 14, 2002. This law requires the Attorney General within 180 days of enactment of the BSA (which is November 10, 2002) to begin to issue employment authorization documents to individuals admitted as refugees immediately upon their arrival and to asylees immediately upon the grant of asylum. This law also requires that the employment authorization document contain a photograph and fingerprint of the asylee or refugee. After a thorough examination of possible implementation solutions, the Service has determined that issuance of I-688Bs is the most expedient means to fulfill all of the law's requirements by the required implementation date. In addition to issuing I-688Bs, officers will continue to issue refugees and asylees at the time they attain such status the Form I-94, *Arrival-Departure Record*, indicating their status. Issuance of the I-688Bs is delegated to Inspections, District Offices, and Asylum Offices in the manner prescribed below.

Inspections personnel will be responsible for issuing I-688Bs to newly admitted refugees and Form I-730, *Refugee/Asylee Relative Petition*, beneficiaries (refugees and asylees "following-to-join") immediately upon their arrival at ports-of-entry that are specially designated to receive all refugees and refugees following-to-join. Currently, these specially designated ports-of-entry include New York John F. Kennedy International Airport (JFK), Miami International Airport (MIA), Chicago O'Hare International Airport (CHI), Los Angeles International Airport (LAX), Newark Liberty International Airport (NEW), Orlando Sanford International Airport (ORL), Hartsfield Atlanta International Airport (ATL), and Washington Dulles International Airport (WAS). (This list is subject to revision as ports-of-entry are added, subtracted, or changed.) These specially designated ports-of-entry will be equipped with the necessary I-688B production hardware and supplies, and some non-designated ports-of-entry may also be appropriately

Subject: Immediate Issuance of Form I-688Bs to New Refugees and Asylees

equipped. Inspections personnel at non-designated ports-of-entry that are appropriately equipped will issue I-688Bs to any newly arriving asylees following-to-join. Inspections personnel at non-designated ports-of-entry that are not appropriately equipped should inform any arriving asylees following-to-join of section 309 of the BSA and direct such asylees to the nearest District Office or District Sub-Office to receive their I-688Bs.

In addition to issuing I-688Bs to those individuals referred by ports-of-entry, District Offices and District Sub-Offices will be responsible for immediately issuing I-688Bs to individuals who were just granted asylum in a final decision by the Executive Office for Immigration Review (EOIR) or a federal court. The District and District Sub-Offices will also be responsible for issuing I-688Bs to asylees who were granted asylum by the Service in certain instances as described in the paragraph below. District and District Sub-Offices must issue I-688Bs to newly granted asylees on a walk-in basis.

Asylum Offices will be responsible for issuing I-688Bs to individuals being granted asylum by the Service who were interviewed at one of the local Asylum Offices immediately upon the grant of asylum. Asylum Offices are to coordinate with District Offices and District Sub-Offices to establish the most efficient method for issuing I-688Bs, in accordance with the statute, to those asylees who were interviewed at circuit-ride locations. In some circuit-ride locations, it may be more efficient for the District or District Sub-Office to issue the I-688B. In other circuit-ride locations, for example, where the Asylum Office has a more permanent presence, the Asylum Office may be able to issue the I-688B.

I-688Bs that are issued in accordance with this memorandum are to be issued with a one-year validity period. Issuing officers are to advise refugees and asylees receiving such I-688Bs that the employment authorization/identity documentation that is now being issued to them may be renewed at their option upon application to the Service. It is imperative that all ports-of-entry, District Offices, District Sub-Offices, and Asylum Offices ensure that all data on Form I-688B is uploaded to the Computer Linked Applications Information Management System (CLAIMS) on a timely basis.

It is important to note that this new law does not in any way change the fact that, under existing regulations, asylees and refugees are employment authorized automatically upon attaining their refugee or asylee status. Indeed, refugees and asylees are employment authorized regardless of whether they are in possession of an unexpired Form I-688B, *Employment Authorization Card*, or Form I-766, *Employment Authorization Document*, the two documents that the Service currently issues to refugees and asylees that evidence both employment authorization and identity. Officers should be aware of this distinction when communicating with asylees, refugees, government benefits agencies, employers, and other members of the public who may be seeking information about whether or when an individual has been authorized for employment.

Headquarters Inspections, the Immigration Services Division, and the Asylum Division will be following up with their respective field components to provide more specific and detailed

Memorandum for Distribution

Page 3

Subject: Immediate Issuance of Form I-688Bs to New Refugees and Asylees

operational guidance as well as arrangements for the necessary resources, equipment, and supplies to perform this work. Your leadership and facilitation in launching this process by November 10 is critical to the Service's successful implementation of section 309 of the BSA.

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