

## Unequal Protection: Reconciliation Bill Will Deny Due Process and Return the Most Vulnerable to Persecution Through Exorbitant Fees to Seek Asylum

*“I came to this country fleeing a dictatorship that oppressed us...when I arrived in this country, I had no savings with me – only the hope of reaching the United States”*

– HRF client living in California

A Reconciliation Bill passed by the House of Representatives in May 2025 that is under consideration by the Senate imposes a barrage of cruel and punitive anti-immigrant provisions, including exorbitant fees that will unlawfully shut refugees out of the U.S. asylum process. Among the bill’s provisions are non-waivable fees of *at least* \$1,000 per person to submit an asylum application, a fee of *at least* \$100 for every year that the asylum application remains pending, and a fee of *at least* \$550 for asylum applicants to obtain an initial work permit. The bill also reduces the validity period of asylum application-based work permits to a mere six months (currently five years).

If these provisions are enacted into law, **it would be the first time in U.S. history that people would be required to pay a fee to apply for asylum.** In recognition of its statutory and treaty obligations to guarantee access to asylum and protect people against wrongful return to persecution or non-refoulement, the United States has made applications for asylum and initial work authorization for asylum applicants free of charge to ensure that vulnerable refugees are able to seek protection and support themselves while their applications for asylum remain pending.<sup>1</sup> Nearly every country in the world that is a party to the 1951 Refugee Convention and/or its 1967 Protocol also makes applications for asylum free of charge.

Fees currently in effect for asylum seekers	Fees imposed in the bill
Filing an asylum application: \$0	Filing an asylum application: at least \$1,000, non-waivable
Penalty for pending asylum case: \$0	Penalty for pending asylum case: \$100 per year, non-waivable
Filing for an initial work permit for asylum applicants: \$0, valid five years	Filing for an initial work permit for asylum applicants: \$550, valid six months, non-waivable
Filing for a renewal work permit for asylum applicants: \$470, <sup>2</sup> with the possibility to apply for a fee waiver	Filing for a renewal work permit for asylum applicants: \$550, non-waivable

<sup>1</sup> The first Trump administration published a final rule in 2020 that required USCIS to charge people a \$50 fee to apply for asylum, which was met with widespread opposition and enjoined by a federal court before it went into effect.

<sup>2</sup> \$520 if filing by paper rather than online.

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*“[It’s] incredibly hard to function when you’re running away from danger. [It’s] a traumatic time when support is essential – and worrying about having enough money to survive only adds to the burden.” – HRF client living in California*

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### Devastating harms to people seeking asylum

The fees mandated by the bill would leave vulnerable people fleeing persecution with no access to the asylum system or ability to support themselves and their families. People seeking asylum often arrive in the United States with very limited resources, are suffering from the physical and psychological impacts of the harms they fled, and struggle to secure housing, food, medical care, transportation, and other basic necessities. The fees in the bill would shut many out of the life-saving asylum process altogether while forcing others to forego life-saving necessities such as medical care for themselves and their children. This would be a death sentence for many adults, families, and children.

The fees are even more outrageous in light of the fact that U.S. law does not allow asylum seekers to receive work authorization until 180 days *after* they file their asylum application. As a result, many people cannot work at the time they submit their asylum application or their initial work permit application, and thus cannot afford to pay fees for refugee protection or the right to work.<sup>3</sup>

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*“[It] was really hard to obtain basics for a daily life...you can do a lot with \$1000 as a new immigrant/asylum seeker, maybe for groceries or commuting fees or even medical expenses...[taking] a \$1000 from each asylum seeker...just cause[s] much more damages to people who came to the US for a shelter and safety.” – HRF client living in Chicago, Illinois.*

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In June 2025, Human Rights First surveyed current and former asylum-seeking clients about the impact that these fees would have had on their ability to seek asylum and support themselves and their families. Some clients noted that they would not have been able to pay the application fee or would have had to forego other necessities to do so. Of 43 people who submitted responses to Human Rights First’s survey, including those supporting children and other family members:

- **Over 81 percent** had less than \$500 in savings at the time that they applied for asylum, while nearly **98 percent** had \$2,000 or less.
- **93 percent** reported that they had difficulty meeting their or their family’s basic needs such as food, housing, or medical care at the time that they applied for asylum.
- **Over 90 percent** did not have a work permit at the time that they applied for asylum.

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<sup>3</sup> Some people may be eligible to apply for work authorization based on other status, but many asylum seekers do not have other status and therefore cannot receive work authorization until 180 days after they submit their asylum application.

Many people seeking asylum are required to file their asylum application while in immigration detention. It is doubly punitive to expect someone to pay such exorbitant and prohibitive fees while incarcerated, while they cannot legally work, and often without easy access to counsel or loved ones, all in order to access the lifesaving protection of asylum codified under U.S. law.

Charging \$550 for a work permit *every* six months for each asylum seeker would both deprive people of the ability to work in the United States and deny people a means of securing official U.S. government-issued identification, which is frequently required to obtain state identification documents, to enroll asylum-seeking children in state health programs and educational services, as well as to open bank accounts and obtain other private services. Even if they *can* pay the fee, many people will still lose work authorization due to the unduly short validity period, as work permit applications often have long processing times and permits would routinely expire while people wait for the renewal to be adjudicated.

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*“[If I had to pay a \$1000 fee for asylum] I would not have enough money for other basic necessities.”* – HRF client living in New Jersey

*“[The \$1000 fee for asylum] is a hard barrier...that would have prevented us from applying.”*  
– HRF client living in Arizona

*“If these costs existed at the time of my application, I would have no way of covering them.”*  
– HRF client living in Brooklyn, New York

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### The exorbitant fees in the bill violate U.S. law

- *Denial of access to asylum process based on financial resources:* A central tenet of [U.S. asylum law](#), which incorporates U.S. obligations under the Refugee Convention and its Protocol, is that “[a]ny [noncitizen] who is physically present in the United States or who arrives in the United States . . . irrespective of such [noncitizen’s] status, may apply for asylum.” Many refugees fleeing persecution arrive in the United States with very limited resources and cannot afford to pay a fee to apply for asylum, additional penalties for each year that they wait for their case to be heard, and a fee for a work permit. The imposition of these fees would pose an insurmountable barrier and deny many, if not a majority of, people access to the asylum system altogether or prevent them from supporting themselves and their families while they seek asylum.
- *Refoulement of refugees:* Shutting refugees out of the U.S. asylum system based on their financial means would inevitably lead to the refoulement (return) of countless refugees who are deported because they are barred from applying for protection. The prohibition against refoulement is a “[cornerstone of the 1951 Convention and its 1967 Protocol](#)” and is codified in U.S. law.<sup>4</sup>

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<sup>4</sup> *INS v. Aguirre-Aguirre*, 526 U.S. 415, 427 (1999); *INS v. Cardoza-Fonseca*, 480 U.S. 421, 440– 41 (1987).

- *Due process violations:* The fees would also violate due process protections under the U.S. Constitution, immigration law, and international human rights law. Under the [Immigration and Nationality Act](#), immigrants must have a reasonable opportunity to examine evidence against them, to present evidence, to have a hearing about their application, and to cross-examine government witnesses in their immigration proceedings. Imposing a fee for an asylum application and an additional penalty for every year that a person exercises their right to present and have their case heard is a blatant violation of these protections.