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Understanding Your Rights When Losing Work Authorization: FAQs for Immigrant Workers and Advocates

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Overview

Since taking office, the Trump administration has taken away legal immigration status, protections, and work authorization from hundreds of thousands of immigrant workers (we refer to this process as "de-documenting" employees). Across industries and geographies, the administration's immigration policies have impacted workers with various temporary statuses, including those who have humanitarian parole, deferred action, and Temporary Protected Status (TPS). Despite the significant harm this has already caused to communities and workplaces, the administration seems ready to continue to remove legal protections from hundreds of thousands more workers. This rampant de-documenting effort coincides with an unprecedented increase in immigration enforcement against immigrant employees and families, including undocumented workers.

About These FAQs

This Frequently Asked Questions (FAQ) document covers employment-related issues faced by employees who will lose, or have recently lost, work authorization. In this moment of unprecedented attacks, we hope that this FAQ helps educate advocates, organizers, and attorneys so they can support and advocate for impacted immigrant employees.

In this FAQ, we use the term "work authorization" to mean legal permission to work in the United States. We use the term "immigrant" to mean migrants, individuals with immigrant and nonimmigrant statuses under U.S. immigration law, and undocumented individuals.

This document does *not* address all questions related to eligibility for work authorization under immigration law or the process for requesting work permits—for those questions, we recommend consulting resources here and here. Workers who are union members may have additional rights under collective bargaining agreements (see Question 21). We encourage union members, organizers, and attorneys to contact their unions directly for more information.

Lastly, **this document does not constitute legal advice, and it reflects information that is accurate as of the date of publication**. Readers should contact an immigration and/or labor and employment attorney for legal advice relevant to their particular situation.

Frequently Asked Questions

1. What is a work permit, and what information is shown on a work permit?

A work permit (also referred to as an "employment authorization document" or "EAD") is a document issued by the United States Citizenship and Immigration Services (USCIS) within the U.S. Department of Homeland Security (DHS). USCIS is the only agency that can issue work permits. A work permit confirms that an individual has permission to work legally in the United States. There are other types of documents that show that an individual has legal permission to work in the United States, but this FAQ focuses mainly on work permits. (See example of EAD on the following page.)

Among other information, a work permit indicates:

- The individual's name;
- The category;
  - The work permit category indicates the immigration status that made that individual eligible to obtain the work permit. For example, someone issued a work permit based on a grant of Temporary Protected Status (TPS) would have category (a)(12) listed on their work permit.
  - Typically, a person has one work permit. However, a person can have multiple work permits at the same time or different times based on different categories of immigration status. For example, someone might have a work permit based on their parolee status (category (c)(11)) and then obtain a separate work permit based on a pending asylum application (category (c)(8)). Or, if someone loses their parole status but is granted asylum, they might first have a category (c)(11) work permit and then a category (a)(5) work permit (for people granted asylum).
- An expiration date.

- A work permit's expiration date generally shows that someone is legally allowed to work in the United States up until that date. But there are times when a work permit might be *valid beyond its expiration date* or become *invalid before its expiration date*. See Questions 4 to 6 below for more information on work permit expiration dates, automatic extensions, and revocations.

Many immigrant employees with temporary legal protections, including parole and TPS, received a work permit and presented this work permit to their employers when they were hired.

Example image of a work permit:

2. What is the Form I-9, and how does an employee use a work permit with the Form I-9?

A work permit is one way individuals can show employers that they have permission to work legally in the United States. The Immigration Reform and Control Act of 1986 (IRCA) prohibits employers from knowingly hiring employees who do not establish their identities and employment authorization. To prevent this from happening, at the time they hire an employee, employers have to complete a "Form I-9" to verify that employee's identity and work authorization.

During the Form I-9 process, the employee chooses documents from the "List of Acceptable Documents" on page 2 of the Form I-9 to demonstrate their identity and work authorization to the employer. The employer looks at those documents to ensure they reasonably appear to be genuine and relate to the employee presenting them. Finally, the employee and employer fill out the required information on the Form I-9, and both sign the form.

A work permit can be used in this process to demonstrate both an employee's identity and their work authorization (see List A on page 2 of Form I-9).

3. Do workers who are independent contractors, instead of employees, have to fill out a Form I-9?

Employers are not required to verify the employment authorization and identity of their independent contractors, so they do not need to complete the Form I-9 for independent contractors.

Independent contractors are generally people who run their own business and enter into contracts to provide goods or services to other people or businesses. Even when the law says that a worker is an employee, employers sometimes call a worker an "independent contractor" when they are really an "employee" (this is commonly referred to as "misclassification"). Employers sometimes misclassify workers as independent contractors to deprive them of certain wages or employment rights or to avoid completing the Form I-9 process. However, immigration law makes it illegal for businesses to contract with someone for labor if the business knows the person does not have permission to work legally in the United States.

4. How can an employee determine if their work permit is still valid and they can still legally work in the United States?

The first step for an employee to determine if a work permit is still valid is to check the expiration date listed on the work permit. If it has expired, the employee can check whether it has been automatically extended and could still be valid despite the expiration date (see Question 5 for information on automatic extensions). If the work permit has expired and has not been automatically extended, then it is no longer valid.

If a work permit has not expired, it generally should still be valid. For many immigrant employees with temporary immigration status or protections, the expiration date on the work permit accurately reflects when that employee's work authorization expires. Generally speaking, employees who were issued work permits under the Deferred Action for Childhood Arrivals (DACA) program and the labor-based deferred action process (also referred to as "DALE") have work permits that accurately reflect when their work authorization expires.

But, the Trump administration is revoking unexpired work permits issued under certain temporary immigration programs. This means that those work permits might become invalid even before their expiration dates (see Question 6 for information on revocations).

Even when an employee's work permit has expired or been revoked, they might still be legally allowed to work in the United States. This could be the case, for example, through a work permit renewal or through obtaining different temporary protections, asylum, or adjusting status to lawful permanent residency. Given this, before an employer fires an employee because their work permit has expired or been revoked, that employee should have the chance to present other documentation from the "List of Acceptable Documents" on page 2 of the Form I-9.

5. What is an "automatic extension" of a work permit?

A work permit is valid beyond its expiration date if it has been "automatically extended."

Previously, USCIS would automatically extend work permits on an individual basis for some people for up to 540 days when they applied to renew their work permit. But, in October 2025, USCIS issued an Interim Final Rule eliminating that automatic extension period. This rule does not affect automatic work permit extensions for people who applied to renew their work permits before October 30, 2025. For more information, see USCIS's Form I-9 handbook for employers.

Also, an entire category of work permits—for example, for all TPS holders from a certain country—can still be automatically extended by the federal government publishing a notice of automatic extension in the Federal Register.

To check whether work permits based on TPS from a particular country have been automatically extended, individuals can check the USCIS TPS website for that country. Given ongoing litigation, individuals with TPS from Haiti, Venezuela, Honduras, Nepal, and Nicaragua should also check the National TPS Alliance website for updates. If the administration decides to rescind other TPS designations in the future, there may be additional litigation that impacts the validity of work permits based on those designations. We recommend staying in touch with the National TPS Alliance and your local union or worker rights organization to monitor any future changes to TPS.

If a work permit has been automatically extended, that individual could still be legally allowed to work in the United States even if the expiration date on the work permit has already passed. In this situation, the employee may have to present additional documents to confirm this automatic extension when completing the Form I-9 upon hire or reverification (see Questions 2 (Form I-9), 8 (reverification), and 14).

6. What is revocation of a work permit?

A work permit can become invalid before its expiration date if it has been "revoked." If a work permit is revoked before its expiration date, it can no longer be used to show someone has legal permission to work in the United States. Employees whose work permits are revoked may be required by their employer to "reverify" their work authorization (see Questions 8 to 11).

For example, in March 2025 the Trump Administration attempted to end the humanitarian parole process for people from Cuba, Haiti, Nicaragua, and Venezuela (CHNV Parole). This process had allowed some nationals of these four countries to enter the U.S. legally on parole status if they had a sponsor in the United States. Multiple legal challenges were filed to stop the termination of CHNV parole. The Supreme Court issued an order in June 2025 allowing the Trump administration to move forward with terminating CHNV parole. DHS then notified CHNV parole recipients of its intention to revoke their work permits. Therefore, CHNV parolees may have work permits that appear valid (and have a future expiration date listed on the card) but are no longer valid.

The Trump administration is also regularly terminating designations of TPS, even for countries where conditions remain very dangerous. When an employee's TPS expires, their work permit automatically expires, even if the expiration date on the card is in the future.

DHS does not attempt to collect work permits that have been revoked and will not issue new work permits to reflect the updated expiration date. See Question 7 for more information.

7. How can employees find out which work permits have been revoked or rescinded?

The Trump administration has terminated, or attempted to terminate, grants of immigration status and eligibility for work authorization for several different temporary immigration programs. Given how challenging it can be to understand the current status of a temporary immigration program and whether an employee's unexpired work permit remains valid, whenever possible, an employee should seek individualized legal advice.

In addition, we suggest referring to the following resources—but *advocates should be aware that this information may not always be fully up to date*:

- **Information for Employees with TPS or Parole:**
  - USCIS FAQs on Changes to Parole and TPS
  - USCIS News Related to Form I-9
  - AILA TPS and Parole Status Updates Chart
- **Information for Employees with TPS:**
  - For questions regarding the status of the TPS program and the validity of work permits for employees from Honduras, Nepal, and Nicaragua, we suggest consulting these resources.
  - For questions regarding the status of the TPS program and the validity of work permits for employees from Haiti and Venezuela, we suggest consulting these resources.
- **Information for Employees with Parole:**
  - For questions regarding the status of various parole processes and the validity of work permits for employee beneficiaries from these countries, we suggest consulting these resources.
  - For questions regarding the status of the CHNV and other parole processes and the validity of work permits for employee beneficiaries of those processes, we suggest consulting these resources.
  - For questions regarding the status of the CBP One parole process and the validity of work permits for employee beneficiaries of those processes, we suggest consulting these resources.

8. Generally speaking, does an employer know when an employee's work permit expires?

Employers typically track the expiration date of an employee's work permit through an internal system. If an employer participates in E-Verify, the E-Verify system will notify them via a "Case Alert" when an employee's work authorization documents are about to expire (assuming the employer originally verified that employee's work authorization using E-Verify). See Question 9 for more information on E-Verify.

If, at the time of hire, an employee presents a document with an expiration date (like a work permit) to prove their ability to work legally in the U.S., federal law requires that employers check the employee's documents again before the work permit expires to ensure that the employee can continue to work legally in the United States. This is called **reverification**.

9. What should employees whose work permits have been revoked expect if their employers are enrolled in E-Verify?

E-Verify is an online electronic system operated by USCIS that employers can use to verify the employment eligibility of new hires. Participation in E-Verify is voluntary, but some employers are required to participate by federal contracting rules or state laws. Often, employees do not know that their employer is an E-Verify employer. To determine if an employer uses E-Verify, you can check here.

In June 2025, DHS issued specific guidance about work permit revocations for E-Verify employers, alerting them to a new tool—a "Status Change Report"—that allows employers to "review their aggregated case data for any employees who presented an EAD for employment verification which has now been revoked by DHS" (as noted in Question 1, "EAD" refers to a work permit). For each employee included on the Status Change Report, employers are instructed to "compare your employee's EAD card number presented for Form I-9 to the revoked document number in the report. If the numbers match, you must reverify their employment authorization." There have been instances of individuals being erroneously identified in this report.

At this time, we believe this report mostly contains employees who were paroled into the United States under category (c)(11) who subsequently had their parole terminated or revoked. But DHS may also be using this report for other individuals on a case-by-case basis. This information could change quickly; to better understand E-Verify's notifications to employers, we suggest monitoring USCIS's Form I-9 Related News website.

Importantly, this DHS guidance *only* applies to E-Verify employers; there is no similar guidance for non-E-Verify employers. Employers who are not enrolled in E-Verify did not receive official notification from DHS about the revocation of parole with regard to specific employees. Nonetheless, they may be following up to reverify employees who previously presented documentation that reflects a status that may now be revoked.

10. When can employers reverify employees' work authorization? What is an ICE I-9 audit, and what is an employer self-audit?

The law requires that employers complete and retain Form I-9s for all employees. Employers also have a legal obligation to correct any errors or omissions discovered in their Form I-9s. Generally speaking, an employer *can* reverify employees' work authorization at any time, as long as the reverification is not discriminatory or retaliatory. See Question 11 for more information on when reverification might be illegal retaliation or discrimination. Union collective bargaining agreements may also place limits on an employer's ability to engage in reverification or Form I-9 self-audits (see Question 21 for more information).

Under federal law, employers have an ongoing obligation to hire and continue to employ only employees who are legally permitted to work in the United States. Because of this, there are also some times when the law *requires* employers to reverify employees' work authorization. One common example, as discussed in Question 8, is when an employee's work authorization expires or is revoked. The other most common example is when Immigration and Customs Enforcement (ICE) tells an employer to reverify an employee's work authorization after conducting an I-9 audit. An ICE I-9 audit (also called a "desktop raid") involves ICE reviewing an employer's Form I-9s and related paperwork. During an ICE I-9 audit, ICE might give an employer a "Notice of Suspect Documents" that requires an employer to reverify any employees flagged in that Notice.

Separate from ICE I-9 audits, employers may independently review their Form I-9s to ensure that they have been filled out correctly and completely. This is often referred to as an employer "self-audit." A self-audit is not legally required but, given the Trump administration's increased immigration enforcement and the de-documenting of employees, many employers are doing them. As a result of this type of self-audit, employers might ask employees to reverify their work authorization.

Any time an employer asks employees to reverify their work authorization, it is important for advocates and employees to consider whether illegal retaliation or discrimination played a role. (See Question 11 for more on when reverification might be illegal.) In addition, workers can organize to fight self-audits; there have been numerous successful examples of workers organizing to pressure their employer into calling off a retaliatory or otherwise illegal self-audit.

11. Does the law place limits on an employer's ability to reverify an employee's work authorization?

Yes. If an employer singles out an employee or a certain group of employees for reverification without having some legitimate reason—such as the expiration of their work permit—the employer may be violating laws that prohibit discrimination or retaliation.

For example, under immigration and many employment laws, it is unlawful discrimination for an employer to selectively reverify the employment eligibility of certain employees on the basis of their country of origin, citizenship, or type of immigration status. If the employer treats some employees differently, such as by reverifying some of them but not others, the employer's actions could constitute an unfair documentary practice (commonly referred to as "document abuse") or other form of unlawful discrimination.

It may also be illegal for employers to selectively reverify employees' work authorization in order to retaliate against them for having exercised their rights under labor and employment laws. For example, an employer cannot use the pretext of a Form I-9 self-audit to reverify and fire employees because they have demanded unpaid wages.

12. If an employer didn't fill out a Form I-9 when they hired an employee, can they later ask to verify that employee's work authorization and fire them if they do not have valid work authorization at that later time?

Generally, yes. Because under immigration law employers have an ongoing obligation to hire and continue to employ only employees they know are legally permitted to work in the United States, they can ask an existing employee to verify their work authorization via the Form I-9 if they realize (for example, via an audit) that they failed to do so when they first hired that employee.

But an employer's newfound interest in compliance with immigration law may not be used as a pretext to discriminate or retaliate against employees under applicable labor and employment laws. For example, courts have found that an employer might be engaging in illegal retaliation if they demand that existing employees fill out a Form I-9 for the first time *only after* the employees have filed a lawsuit against their employer for violating their workplace rights.

13. Can employers fire employees because they no longer have valid work permits or alternative proof of work authorization?

Generally, yes. Again, employers have an ongoing obligation to hire and continue to employ only employees who are legally permitted to work in the United States. This means they are legally required to fire employees if they know the employees no longer have that permission. If that is the true reason why an employer is firing an employee, it would likely be legal.

However, sometimes employers say they are firing an employee because they do not have work authorization when the true reason is to retaliate or discriminate against the employee. Even if an employee no longer has a valid work permit or other proof of work authorization, an employer could still violate anti-discrimination and anti-retaliation laws if the real reason they fire the employee is to discriminate or retaliate against them. For example, it would violate employment laws for an employer to fire an employee because the employee filed a complaint for unpaid wages, even if that employee no longer had a valid work permit. (See Question 16.)

14. What if an employee's work permit is actually still valid but an employer either refuses to hire them or fires them because they say the work permit is invalid?

Sometimes an employer refuses to accept a valid work permit as proof of work authorization upon hire. Or, an employer may fire an employee, incorrectly saying it is because that employee's work permit is invalid. In either situation, given the rapidly changing policies impacting work permit validity, it would be important for the employee to first double-check

whether their work permit is still valid (see Questions 4 to 7). If it is, the employer might be violating anti-discrimination laws that prohibit employers from refusing to accept valid work authorization documents in a way that discriminates against employees based on their national origin or citizenship. Depending on additional facts, an employer in this situation might also be violating applicable immigration and employment laws that prohibit discrimination in hiring and, in the case of an existing employee, firing and retaliation.

Additionally, sometimes employers mistakenly believe an employee's work authorization has expired when it has actually been automatically extended. (See Question 5 on automatic extensions.) In that case, advocates can support workers in showing the employer that they still have valid work authorization. (See USCIS's guidance on the documents employees can show their employers to establish that their work permit has been automatically extended.)

15. What happens if an employee keeps working after their work permit or other work authorization expires?

Employees do not have an affirmative legal duty to tell their employers that their work permit has expired. Instead, as discussed in Question 8, employers have a legal duty to ask an employee to reverify their work authorization if it is expiring.

If an employee continues to work after they lose work authorization, they could face immigration consequences for working without work authorization. For example, an immigration judge or officer might consider working without permission a negative factor when deciding whether to grant a green card or other discretionary immigration status. They could also face immigration or criminal consequences if they provide false documents or make false statements about their status, eligibility for employment, or identity in order to keep working.

16. If an employee stays at their job even after losing their work authorization, do they have any rights as a worker?

Yes. Almost all workplace rights apply to ALL employees, even if they do not have work authorization.

For example, all employees—including undocumented employees—have the right to:

- be paid at least the minimum wage for all hours worked, and overtime for extra hours;
- work in a safe and healthy workplace free of safety hazards;
- not be discriminated against or harassed based on certain protected characteristics, such as their sex, national origin, race, or religion; and
- not be retaliated against if they exercise their rights.

Employees' rights to act collectively and form a union also apply regardless of employees' work authorization or immigration status.

As explained in Question 18, an exception to this is when an employee loses their job because they no longer have work authorization, they generally would not have the right to unemployment insurance benefits.

17. If an employee loses their job because they no longer have work authorization, are they entitled to be paid out their vacation and paid sick leave balances?

Generally, yes. If the applicable state and/or local laws require the employer to pay out accrued vacation and/or sick leave when they fire or lay off employees, then the employee would have a right to this payout even if the employee has lost their job because they no longer have work authorization. Some state laws distinguish between accrued paid vacation and paid sick time and require that employees be paid out the vacation but not sick time. The employee will need to check the laws of the state in which they were employed and performed the work to determine precisely which types of accrued paid time off the employer has to pay them upon termination. See additional information here and here.

18. If an employee loses their work authorization and leaves the job or is terminated because of their lack of work authorization, do they qualify for unemployment insurance benefits?

No. To be eligible for unemployment insurance benefits, a person must be "able and available" to work. Government agencies have interpreted the law to mean that an individual is not "able and available" to work if they are not legally authorized to work. For more information, see this resource on immigrant workers' eligibility for unemployment insurance.

Advocates and workers should check whether there are other public or private funds (such as mutual aid funds) available in their area to support workers who are ineligible for unemployment insurance.

19. If an employee loses their job because they lost work authorization, can they request the funds in their employer-sponsored retirement account?

Many workers who lose work authorization will not have employer-sponsored retirement accounts. For those who do, the ability to withdraw funds from the account will depend on the type of account and whether the savings have "vested". Specifically, if an employee has "vested" savings in their employer-sponsored retirement account, they are entitled to take out all

contributions made to the account when they leave their employment. This includes *both* the contributions the employee made from their wages *and* their employer's contributions to their account. If the contributions have not yet vested, at a minimum, the employee is entitled under law to take out the contributions they made to the account (but might not be entitled to their employer's contribution). This assumes an employee has a "defined contribution" retirement plan; the vast majority of U.S. private sector retirement plans fall in this category. A small number of private sector employers, and many government agencies, maintain "defined benefit" retirement plans, which will be governed by different rules. Employees should consult their human resources department or union representative for information about withdrawals under such a plan.

It bears mentioning that most retirement savings plans do not require that an employee withdraw the funds in their account when they leave employment. If an employee leaves the savings in their employer-sponsored account, the account will continue to accrue interest, but no additional contributions will be made by their employer. If they chose to take out the savings in their account as cash, they will lose a significant amount of their savings due to penalties and taxes. To avoid these penalties, they may be able to open their own personal retirement account, such as an Individual Retirement Account ("IRA"), and "roll over" the money from their employer-sponsored account into their personal account.

20. What benefits can an employee try to negotiate with their employer, if their employer fires them because they lost work authorization?

Below are examples of benefits an employee in this situation could try to negotiate with their employer:

- Severance pay;
- A payout of all accrued leave balances (as noted in Question 17, this may be legally required in certain states);
- Providing the employee an opportunity to be reinstated to their prior position if they obtain work authorization in the future;
- Placing the employee on unpaid leave until they can obtain work authorization.

21. What additional rights or protections may exist for workers represented by a labor union under a collective bargaining agreement?

Unions negotiate contracts with employers on behalf of their members regarding the terms and conditions of the union members' employment. The information provided in this FAQ applies to

all workers, regardless of whether they are covered by a union contract. Union contracts may provide *additional protections* for union members beyond what this FAQ discusses.

For example, a contract may contain guidelines governing employer Form I-9 self-audits, reverification procedures, employee discipline, or the right for employees to receive notice of an ICE I-9 audit. Each union contract is different, and workers who are covered by such contracts should consult their specific contract and their union representative to learn whether they have any additional rights beyond what this FAQ discusses.

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