

Understanding Upwardly Global Job Seekers' Status & Work Authorization

This document explores the different visa statuses and work authorization options available to refugees and immigrants in the U.S. who are part of the Upwardly Global program.

Legal Status: Refugee

Employer Sponsorship Required: **No**

An individual who is “unable to return to their home country due to a well-founded fear of persecution based on race, religion, nationality, political opinion, or social group”. Must prove persecution or intended persecution based on these categories. Lengthy vetting process. Applies for refugee status while outside the U.S. and enters with refugee status.

Refugees may apply for a Green Card one year after coming to the U.S.



Work Authorization

Refugees are authorized to work indefinitely because their immigration status does not expire, and they have permanent permission to live in the U.S.

Upon arrival, refugees' Form I-94 shows their status as “RE” and is proof of their permission to work in the U.S. Refugees may apply for an EAD card under Code (a)(3).

Legal Status: Asylee

Employer Sponsorship Required: **No**

A person who was granted asylum after coming to the U.S. and receiving protection based on a well-founded fear of persecution in their home country.



Work Authorization

Asylees are authorized to work indefinitely because their immigration status does not expire. People who have been granted asylum, and are therefore asylees, do not need to have EADs to work legally.

Asylees have a Form I-94 indicating they have asylum and may—but are not required to—present this document as proof of permission to work in the U.S.

Asylees may choose to seek an EAD under code: (a)(5).

Legal Status: Asylum Seeker

Employer Sponsorship Required: No

A person who entered the U.S. and has sought (but not yet obtained) protection due to a well-founded fear of persecution in their home country.



Work Authorization

If the individual has submitted an asylum application that is pending, they can file for an EAD card (Form I-765) 150 days after they filed their asylum application. Asylum seekers can continue to renew their EAD cards while their asylum case is pending.

Pending asylum EAD Code: (a)(8)

Legal Status: Humanitarian Parolee

Employer Sponsorship Required: No

A person granted parole to enter the U.S. temporarily based on an urgent humanitarian need.



Work Authorization

Humanitarian parolees can obtain work authorization using Form I-765, though some categories like recent Ukrainian and Afghan parolees can work attendant to status for a short period.

USCIS may grant EADs up to the end of the parole period. EAD Code: (c)(11)

Legal Status: Temporary Protected Status (TPS)

Employer Sponsorship Required: No

TPS is available to eligible nationals of a TPS designated country who are already in the U.S. and arrived before a specific date. TPS is a temporary benefit meant to protect those who cannot return home due to ongoing armed conflict, environmental disaster, or other temporary, major conditions. It does not lead to lawful permanent resident status or give any other immigration status. TPS extensions are set by the US Secretary of the Department of Homeland Security after reviewing country conditions. There are many people who have TPS who have held this for decades.



Work Authorization

TPS individuals are authorized to work as long as they maintain TPS status and hold an EAD.

EAD codes: (a)12 & (c)(19)

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Immigrants (Green Card Holders)

Note: Upwardly Global does not work with employment-based Green Card Holders. Below are the most common types of green cards of Upwardly Global immigrant job seekers.

Legal Status: Special Immigrant Visa (SIV) Recipients

Employer Sponsorship Required: No

Available to individuals who aided U.S. forces as interpreters and translators, among others. Individuals who complete the SIV process are granted permanent legal residence in the U.S.



Work Authorization

SIV holders are permanent residents (i.e., immigrants or green card holders). Can work and live in the U.S. without separate authorization.

Legal Status: Family-Based Green Cards

Employer Sponsorship Required: No

Individuals who have applied and received a Green Card due to having close relatives who are U.S. citizens and / or are married to a U.S. citizen.



Work Authorization

Can work and live in the U.S. pursuant to lawful permanent resident status.

Legal Status: Diversity Lottery Green Cards

Employer Sponsorship Required: No

Under the U.S. "diversity lottery program", the U.S. government randomly selects up to 50,000 people from a pool of entries it receives from six underrepresented geographic regions.



Work Authorization

Can work in the U.S. pursuant to lawful permanent resident status.

The content in these materials is intended to be of general information in nature. The information does not—and is not intended to—offer legal advice, create an attorney-client relationship, or eliminate the need for consulting a qualified attorney in the matters covered.

To the best of our knowledge, this content is current as of July 2023. Users should consult qualified legal counsel for specific case advice and refer to USCIS instructions, guidance, and policies for relevant updates.