

TABLE OF CHANGES – INSTRUCTIONS
Form I-765, Application for Employment Authorization
OMB Number: 1615-0040
08/18/2017

Reason for Revision: Comprehensive revision

Legend for Proposed Text:

- Black font = Current text
- Purple font = Standard language
- Red font = Changes

Current Page Number and Section	Current Text	Proposed Text
Page 1, What Is the Purpose of This Form?	<p>[Page 1]</p> <p>What Is the Purpose of This Form?</p> <p>Certain aliens who are temporarily in the United States may file Form I-765, Application for Employment Authorization, to request an Employment Authorization Document (EAD). Other aliens who are authorized to work in the United States without restrictions must also use this form to apply to U.S. Citizenship and Immigration Services (USCIS) for a document that shows such authorization. Review Eligibility Categories to determine whether you should use this form.</p> <p>If you are a lawful permanent resident, a conditional resident, or a nonimmigrant authorized to be employed with a specific employer under 8 CFR 274a.12(b), do not use this form.</p> <p>Definitions</p> <p>Employment Authorization Document</p>	<p>[Page 1]</p> <p>What Is the Purpose of Form I-765?</p> <p>Certain foreign nationals who are in the United States may file Form I-765, Application for Employment Authorization, to request employment authorization and an Employment Authorization Document (EAD). Other foreign nationals whose immigration status authorizes them to work in the United States without restrictions may also use Form I-765 to apply to U.S. Citizenship and Immigration Services (USCIS) for an EAD that shows such authorization. Review the Who May File Form I-765 section of these Instructions to determine whether you should use Form I-765.</p> <p>Foreign nationals may also apply for a Social Security number and card on Form I-765 following the guidelines in the Specific Instructions section of these Instructions, Item Numbers 9.a. - 13.b.</p> <p>If you are a lawful permanent resident, a conditional permanent resident, or a nonimmigrant only authorized for employment with a specific employer under 8 CFR 274a.12(b), do not use this Form I-765.</p> <p>Definitions</p> <p>Employment Authorization Document</p>

	<p>(EAD): Form I-688, Form I-688A, Form I-688B, Form I-766, or any successor document issued by USCIS as evidence that the holder is authorized to work in the United States.</p> <p>Renewal EAD: An EAD issued to an eligible applicant upon the expiration of a previous EAD issued under the same category.</p> <p>Replacement EAD: An EAD issued to an eligible applicant when the previously issued EAD has been lost, stolen, mutilated, or contains erroneous information, such as a misspelled name.</p>	<p>(EAD): The EAD is the card (also known as Form I-688A, Form I-688B, Form I-766, or any successor document) issued as evidence that the holder is authorized to work in the United States.</p> <p>Renewal EAD: An EAD issued to an eligible applicant after the expiration of a previous EAD issued under the same category.</p> <p>Replacement EAD: An EAD issued to an eligible applicant when the previously issued EAD was lost, stolen, or damaged, or contains errors, such as a misspelled name.</p>
<p>Page 1-11, Who May File Form I-765?</p>	<p>[Page 1]</p> <p>Who May File Form I-765?</p> <p>USCIS adjudicates a request for employment authorization by determining whether an applicant has submitted the required information and documentation, and whether the applicant is eligible. In order to determine your eligibility, you must identify the category in which you are eligible and fill in that category in Item Number 20. on Form I-765. Enter only one of the following category numbers on the application form. For example, if you are a refugee applying for an EAD, type or print “(a)(3)” at Item Number 20.</p>	<p>[Page 1]</p> <p>Who May File Form I-765?</p> <p>You may file Form I-765 if you fall within one of the eligibility categories below. For some categories, employment authorization is granted with your underlying immigration status (called “incident to status” employment authorization). For example, asylees and refugees have employment authorization as soon as they obtain such status. In these cases, your EAD is issued upon approval of your Form I-765, and the EAD is evidence of your employment authorization. For other categories such as parolees or individuals with deferred action, USCIS must first approve your Form I-765 before you are eligible to accept employment in the United States. Once your Form I-765 is approved, USCIS will issue your EAD. You must type or print your eligibility category in Item Number 27. on Form I-765. Enter only one category number on the application. For example, if you are a refugee applying for an EAD, type or print “(a)(3)” in Item Number 27.</p> <p>Please note that a person with a pending application for an immigration benefit or request might have a different category number than the person who was already granted the benefit or request. For example certain pending asylum applicants are category “(c)(8),” but a person already granted asylum is category “(a)(5).”</p>

	<p>For easier reference, the categories are subdivided as follows:</p> <p>Page Asylee/Refugee and Their Spouses and Children, 2 Nationality Categories, 2 Foreign Students, 3 Eligible Dependents of Employees of Diplomatic Missions, International Organization, or NATO, 3 Employment-Based Nonimmigrants, 4 Family-Based Nonimmigrants, 9 Adjustment-of-Status Categories, 10 Other Categories, 10</p> <p>[Page 2]</p> <p>1. Asylee/Refugee Categories (and their Spouse and Children)</p> <p>A. Refugee--(a)(3). File Form I-765 with either a copy of your Form I-590, Registration for Classification as Refugee, approval letter, or a copy of a Form I-730, Refugee/Asylee Relative Petition, approval notice.</p> <p>B. Paroled as a Refugee--(a)(4). File Form I-765 with a copy of your Form I-94, Arrival-Departure Record.</p>	<p>[Deleted]</p> <p>Asylee/Refugee Categories (and their Spouses and Children)</p> <p>1. Refugee--(a)(3). If an initial Form I-765 was not already prepared for you before your arrival as a refugee in the United States, or if you are requesting to renew your EAD, file Form I-765 with a copy of one of the following: your stamped Form I-94, Arrival-Departure Record; your Final Notice of Eligibility for Resettlement (approval letter); or your Form I-797 Notice approving your derivative refugee status based on a Form I-730, Refugee/Asylee Relative Petition (if approved while in the United States).</p> <p>NOTE: If you were admitted as a refugee and have applied under INA 209 to adjust to lawful permanent resident status using Form I-485, Application to Register Permanent Residence or Adjust Status, file Form I-765 under category (a)(3) as a refugee. Do not file Form I-765 under eligibility category (c)(9) as an INA 245 adjustment applicant.</p> <p>[Page 2]</p> <p>2. Paroled as a Refugee--(a)(4). File Form I-765 with a copy of your Form I-94, passport, or travel document. Cuban,</p>
--	---	--

	<p>C. Asylee (Granted Asylum)--(a)(5). File Form I-765 with a copy of the USCIS letter, or judge's decision, granting you asylum. It is not necessary to apply for an EAD as an asylee until 90 days before the expiration of your current EAD.</p> <p>D. Asylum Applicant (With a Pending Asylum Application) Who Filed for Asylum on or After January 4, 1995--(c)(8). For specific instructions for applicants with pending asylum claims, see the Special Filing Instructions for Those with Pending Asylum Applications ((c)(8)) section.</p> <p>2. Nationality Categories</p> <p>A. Citizen of Micronesia, the Marshall Islands, or Palau--(a)(8). File Form I-765 if you were admitted to the United States as a citizen of the Federated States of Micronesia (CFA/FSM), the Marshall Islands (CFA/MIS), or Palau under agreements between the United States and the former trust territories.</p> <p>B. Deferred Enforced Departure</p>	<p>Commonwealth of the Northern Mariana Islands (CNMI), and other humanitarian or significant public benefit parolees should file under the category (c)(11), not as a refugee under (a)(4).</p> <p>3. Asylee (Granted Asylum)--(a)(5). File Form I-765 with a copy of one of the following: your stamped Form I-94; a USCIS Asylum approval letter; an order granting asylum signed by an Executive Office for Immigration Review (EOIR) immigration judge (IJ); or a Form I-797 Notice approving your derivative asylee status based on a Form I-730 (if approved while in the United States).</p> <p>NOTE: If you are an asylee and have applied under INA 209 to adjust to lawful permanent resident status using Form I-485, file Form I-765 under category (a)(5) as an asylee. Do not file Form I-765 under eligibility category (c)(9) as an INA 245 adjustment applicant.</p> <p>4. Granted Withholding of Deportation or Removal--(a)(10). File Form I-765 with a copy of the EOIR IJ's signed order granting withholding of deportation or removal.</p> <p>5. Pending Asylum and Withholding of Removal Applicants and Applicants for Pending Asylum under the ABC Settlement Agreement--(c)(8). If you have a pending Form I-589, Application for Asylum and for Withholding of Removal, see the Special Filing Instructions for Those With Pending Asylum Applications--(c)(8) section of these Instructions.</p> <p>Nationality Categories</p> <p>1. Citizen of Micronesia, the Marshall Islands, or Palau--(a)(8). File Form I-765 with evidence you were admitted to the United States as a citizen of the Federated States of Micronesia (CFA/FSM), the Marshall Islands (CFA/MIS), or Palau under agreements between the United States and the former trust territories.</p> <p>2. Deferred Enforced Departure (DED)-</p>
--	--	---

	<p>(DED)/Extended Voluntary Departure-- (a)(11). File Form I-765 with evidence of your identity and nationality.</p> <p>C. Temporary Protected Status (TPS)-- (a)(12) and (c)(19). A category (a)(12) EAD is issued to an individual granted TPS under 8 CFR 244. A category (c)(19) EAD is a temporary treatment benefit under TPS pursuant to 8 CFR 244.5.</p> <p>To request an EAD based on TPS, file Form I-765 with Form I-821, or with evidence that your initial Form I-821 was accepted or approved. Include evidence of nationality and identity as required by the Form I-821 instructions. If you are requesting extension of TPS status, also include a copy (front and back) of your last available TPS document: EAD, Form I-94, or approval notice.</p> <p>To register for TPS, you must file a Form I-765 with Form I-821, Application for Temporary Protected Status, for each applicant, regardless of age, even if you are not requesting employment authorization. No fee is required for Form I-765 filed as part of TPS registration. (Form I-821 has separate fee requirements.)</p> <p>If you have been granted TPS by an immigration judge (IJ) or the Board of Immigration Appeals (BIA) and are requesting your first EAD, you must submit evidence of your IJ or BIA grant of TPS with your application for an EAD along with a copy of your Form I-821 application that the IJ or BIA approved. You must also follow the instructions for filing your application as described in the most recent TPS <i>Federal Register</i> notice regarding a TPS designation or extension for your country. As further instructed in those notices, once you receive your Form I-797 application receipt notice, you must also send an email to tpsiigrant.vsc@dhs.gov with the following information: Your name; your A number; your date of birth; the receipt number for your application;</p>	<p>-(a)(11). File Form I-765 with evidence of your identity and nationality. You should also state your basis for claiming that you are covered by DED and provide evidence (if available) for your claim, such as a copy of any relevant presidential or Department of Homeland Security (DHS) directive for DED.</p> <p>3. Temporary Protected Status (TPS)-- (a)(12) and (c)(19). File Form I-765 with your Form I-821, Application for Temporary Protected Status, or evidence that we accepted or approved your initial Form I-821 if you are requesting employment authorization documentation. Include evidence of your nationality and identity as required by the Form I-821 Instructions. If an EOIR IJ or the Board of Immigration Appeals (BIA) granted TPS, and you are requesting your first EAD or are re-registering for the first time, you must submit a copy of the EOIR IJ or BIA order that granted TPS with your Form I-765 (such as a copy of your Form I-821 that the EOIR IJ or BIA approved). You must also follow the instructions for filing your application as described in the most recent TPS Federal Register notice regarding a TPS designation, re-designation, or extension for your country. Please check the USCIS website at www.uscis.gov/tps for procedures about registering or re-registering for TPS, including obtaining an EAD, if your country has been designated for TPS.</p> <p>If your non-expired TPS EAD is lost, stolen, or damaged, file Form I-765 with proper fees to request a replacement. Include a copy of your approval notice for TPS (if you have been approved) or a copy of your previous Form I-797 Notice for Form I-821 if your TPS application is still pending.</p> <p>A. Category (a)(12) EAD: We may issue you a category (a)(12) EAD if your TPS application was approved, you requested an EAD, and you were not previously issued a category (c)(19) EAD that runs through the current TPS designation, re-designation, or extension period for your country.</p> <p>Re-registration for TPS: File your Form</p>
--	--	---

	<p>and the date you were granted TPS.</p> <p>D. NACARA Section 203 Applicants Who Are Eligible to Apply for NACARA Relief With USCIS--(c)(10). See the instructions to Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal, to determine if you are eligible to apply to USCIS for NACARA 203 relief.</p> <p>If you are eligible, you may file a Form I-765 with the Form I-881. See Instructions to Form I-881 for filing location. If you file the Form I-765 separately from the Form I-881, see the Where to File section of these Instructions. Your response to Item Number 20. on the Form I-765 must be “(c)(10).”</p> <p>E. Dependent of TECRO E-1 Nonimmigrant--(c)(2). File Form I-765 with the required certification from the</p>	<p>I-765, Form I-821, and a letter indicating that this application is for TPS re-registration. Include a copy (front and back) of your last available TPS document (for example, an EAD, Form I-94, passport or travel document, or Form I-797 Notice).</p> <p>NOTE: To re-register for TPS, you must file Form I-821; however, you do not need to file Form I-765 if you do not want an EAD.</p> <p>[Page 3]</p> <p>B. Category (c)(19) EAD: A category (c)(19) EAD is a temporary benefit under TPS under 8 CFR Part 244. We may issue you a category (c)(19) EAD if you have a pending Form I-821, if we have not made a final decision on your Form I-821, and you are <i>prima facie</i> eligible for TPS.</p> <p>4. Nicaraguan Adjustment and Central American Relief Act (NACARA) Section 203 Applicants Who Are Eligible to Apply for NACARA Relief With USCIS--(c)(10). See the Instructions to Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to Section 203 of Public Law 105-100 (NACARA)), to determine if you are eligible to apply for NACARA 203 relief.</p> <p>If you are eligible to apply for NACARA 203 relief with USCIS, you may file Form I-765 together with your Form I-881. See our website at www.uscis.gov/I-881 for the most current information on where to file Form I-881. If you are eligible to file Form I-881 with EOIR, or if you have already filed Form I-881 with USCIS or EOIR, see the Where To File section of these Instructions.</p> <p>If you are filing for an EAD related to your NACARA application, you may be eligible for a fee waiver under 8 CFR 103.7(c)(3)(xi).</p> <p>5. Dependent of TECRO E-1 Nonimmigrant--(c)(2). File Form I-765 with the required certification from the</p>
--	--	---

	<p>American Institute in Taiwan if you are the spouse or unmarried dependent son or daughter of an E-1 employee of the Taipei Economic and Cultural Representative Office.</p> <p>[Page 3]</p> <p>3. Foreign Students</p> <p>A. F-1 Student Seeking Optional Practical Training (OPT) in an Occupation Directly Related to Studies: (c)(3)(A)--Pre-completion Optional Practical Training; (c)(3)(B)--Post-completion Optional Practical Training; (c)(3)(C)--24-month Extension for STEM (Students With a Degree in Science, Technology, Engineering, or Mathematics) Optional Practical Training. File Form I-765 with a Certificate of Eligibility of Nonimmigrant (F-1) Student Status (Form I-20 A-B/I-20 ID) timely endorsed by a Designated School Official (DSO) (DSO's recommendation within the past 30 days for Post-Completion OPT and 60 days for the 24-month STEM OPT extension). If you are requesting a 24-month STEM OPT extension under the eligibility code (c)(3)(C), you must submit a copy of your degree and the employer's name as listed in E-Verify, along with the E-Verify Company Identification Number, or a valid E-Verify Client Company Identification Number for the employer with whom you are seeking the 24-month OPT extension. You must provide this information in Item Number 21. of the form.</p>	<p>American Institute in Taiwan if you are the spouse or unmarried dependent son or daughter of an E-1 employee of the Taipei Economic and Cultural Representative Office.</p> <p>Foreign Students Categories</p> <p>1. F-1 Student Seeking Optional Practical Training (OPT) in a Position Directly Related to Major Area of Study</p> <p>A. Pre-Completion OPT--(c)(3)(A). File Form I-765 up to 90 days before being enrolled for one full academic year, provided that the period of employment will not start before you have completed one full academic year. The one full academic year need not necessarily have been completed while you were in F-1 status; if you completed the one-year requirement while in a valid nonimmigrant status and you are now in valid F-1 status, you are eligible to apply for OPT. Include evidence of having been lawfully enrolled on a full-time basis for one full academic year at a college, university, conservatory, or seminary approved by the U.S. Immigration and Customs Enforcement (ICE) Student and Exchange Visitor Program (SEVP) for attendance by F-1 foreign students. Also, include all previously used Student and Exchange Visitor Information System (SEVIS) numbers and evidence of any previously authorized curricular practical training (CPT) or OPT and academic level at which it was authorized. You must include a Certificate of Eligibility of Nonimmigrant (F-1) Student Status (Form I-20) endorsed by the Designated School Official (DSO) before filing Form I-765.</p> <p>B. Post-Completion OPT--(c)(3)(B). File Form I-765 up to 90 days before, but no later than 60 days after, your program end date. Include all previously used SEVIS numbers and evidence of any previously authorized CPT or OPT and the academic level at which it was authorized. You must include a Form I-20 endorsed by the DSO</p>
--	---	---

	<p>B. F-1 Student Offered Off-Campus Employment Under the Sponsorship of a Qualifying International Organization--(c)(3)(ii). File Form I-765 with the international organization's letter of certification that the proposed employment is within the scope of its sponsorship, and a Certificate of Eligibility of Nonimmigrant (F-1) Student Status -- For Academic and Language Students (Form I-20 A-B/I-20</p>	<p>within 30 days before filing Form I-765.</p> <p>NOTE: You must file your Form I-765 within 30 days of the date that your DSO enters the recommendation for OPT into your SEVIS record. If you fail to do so, we will deny your OPT request.</p> <p>C. 24-Month Extension for STEM Students (Students With a Degree in Science, Technology, Engineering, or Mathematics)--(c)(3)(C). File Form I-765 up to 90 days before the expiration of your current OPT, but no later than 60 days after your program is complete, if you are requesting a 24-month STEM extension. Include evidence the degree that is the basis for the current OPT is in one of the degree programs currently listed on the STEM Designated Degree Program List. Additionally, submit the employer's name as listed in E-Verify, along with the E-Verify Company Identification Number, or a valid E-Verify Client Company Identification Number for the employer with whom you are seeking the 24-month STEM OPT extension. You must provide this information in Item Numbers 28.a. - 28.c. of Form I-765. You must include a Form I-20A-B or Form I-20D endorsed by the DSO within 60 days before filing Form I-765.</p> <p>NOTE: If you are applying for a STEM OPT extension based on a previously earned STEM degree, you must also include a copy of your prior STEM degree and evidence that the institution is currently accredited by the U.S. Department of Education and certified by the SEVP.</p> <p>[Page 4]</p> <p>D. F-1 Student Offered Off-Campus Employment Under the Sponsorship of a Qualifying International Organization--(c)(3)(ii). File Form I-765 with the international organization's letter of certification that the proposed employment is within the scope of its sponsorship and a SEVIS Form I-20 with the employment page completed by the DSO certifying eligibility for employment.</p>
--	---	---

	<p>ID) endorsed by the Designated School Official within the past 30 days.</p> <p>C. F-1 Student Seeking Off-Campus Employment Due to Severe Economic Hardship--(c)(3)(iii). File Form I-765 with Form I-20 A-B/I-20 ID, Certificate of Eligibility of Nonimmigrant (F-1) Student Status -- For Academic and Language Students, and any evidence you wish to submit, such as affidavits, that detail the unforeseen economic circumstances that cause your request, and evidence that you have tried to find off-campus employment with an employer who has filed a labor and wage attestation.</p> <p>D. J-2 Spouse or Minor Child of an Exchange Visitor--(c)(5). File Form I-765 with a copy of your J-1 (principal alien's) Certificate of Eligibility for Exchange Visitor (J-1) Status (Form IAP-66). You must submit a written statement with any supporting evidence showing that your employment is not necessary to support the J-1 but is for other purposes.</p>	<p>E. F-1 Student Seeking Off-Campus Employment Due to Severe Economic Hardship--(c)(3)(iii). File Form I-765 with a SEVIS Form I-20 that includes the employment page completed by the DSO certifying eligibility for off-campus employment due to severe economic hardship caused by unforeseen circumstances beyond your control. Include evidence that:</p> <ul style="list-style-type: none"> (1) You have been in F-1 status for one full academic year; (2) You are in good standing as a student; (3) You are carrying a full course of study; (4) Acceptance of employment will not interfere with your carrying a full course of study; (5) The employment is necessary to avoid severe economic hardship due to unforeseen circumstances beyond your control; and (6) On-campus employment is unavailable or not sufficient to meet the needs that have arisen due to the unforeseen circumstances. <p>NOTE: If you are an F-1 student filing for initial or extension of OPT, please note that your OPT and your employment authorization will be automatically terminated if you change educational program levels or transfer to another school. Working in the United States without authorization may result in your removal from the United States or denial of re-entry. Consult your DSO for additional details.</p> <p>F. J-2 Spouse or Minor Child of an Exchange Visitor--(c)(5). File Form I-765 with evidence the J-1 principal foreign national is currently maintaining status and evidence this income is not needed to support the J-1 principal foreign national. Also, provide evidence you are currently maintaining status and include evidence of all previously authorized periods of J-2</p>
--	--	--

	<p>E. M-1 Student Seeking Practical Training After Completing Studies--(c)(6). File Form I-765 with a completed Form I-539, Application to Change/Extend Nonimmigrant Status, according to the filing instructions for Form I-539. You must also include Form I-20 M-N, Certificate of Eligibility for Nonimmigrant (M-1) Student Status -- For Vocational Students endorsed by the Designated School Official within the past 30 days, with your application.</p> <p>4. Eligible Dependents of Employees of Diplomatic Missions, International Organizations, or NATO</p> <p>A. Dependent of A-1 or A-2 Foreign Government Officials--(c)(1). Submit Form I-765 with Form I-566, Interagency Record of Request-A, G, or NATO Dependent Employment Authorization or Change/Adjustment to/from A, G, or NATO Status, Dependent Employment Authorization, through your diplomatic mission to the Department of State (DOS). The DOS will forward all favorably endorsed applications directly to the Nebraska Service Center for adjudication.</p> <p>B. Dependent of G-1, G-3 or G-4 Nonimmigrant--(c)(4). Submit Form I-765 with Form I-566, Interagency Record of Request-A, G, or NATO Dependent Employment Authorization or Change/Adjustment to/from A, G, or NATO Status, Dependent Employment Authorization, through your international organization to the Department of State (DOS). (In New York City, the United Nations (UN) and UN missions should submit such applications to the United States Mission to the UN (USUN)). The DOS or USUN will forward all favorably</p>	<p>employment.</p> <p>G. M-1 Student Seeking Post-Completion OPT After Completing Studies--(c)(6). File Form I-765 with a SEVIS Form I-20M-N endorsed by the DSO certifying eligibility for employment together with Form I-539, Application to Change/Extend Nonimmigrant Status, completed according to the Form I-539 instructions. We must receive the completed forms before, but not more than 90 days before, your program end date. Your Form I-539 must request an extension of stay that covers the requested period of post-completion OPT and a 30-day departure period.</p> <p>NOTE: You may request one month of OPT for every four months of full-time study you have completed as an M-1 student.</p> <p>Categories for Eligible Dependents of Employees of Diplomatic Missions, International Organizations, or NATO</p> <p>1. Dependent of A-1 or A-2 Foreign Government Officials--(c)(1). Submit Form I-765 with Form I-566, Interagency Record of Request-A, G, or NATO Dependent Employment Authorization or Change/Adjustment to/from A, G, or NATO Status, Dependent Employment Authorization, through your diplomatic mission to the Department of State (DOS). DOS will forward all favorably endorsed applications directly to USCIS for adjudication.</p> <p>2. Dependent of G-1, G-3, or G-4 Nonimmigrant--(c)(4). Submit Form I-765 together with Form I-566 through your international organization to DOS. The United Nations (UN) and UN missions located in New York City should submit such applications to the U.S. mission to the UN (USUN). DOS or USUN will forward all favorably endorsed applications directly to USCIS for adjudication.</p>
--	--	--

	<p>endorsed applications directly to the Nebraska Service Center for adjudication.</p> <p>C. Dependent of NATO-1 Through NATO-6--(c)(7). If you are a dependent of a NATO nonimmigrant who is stationed at Supreme Allied Command Transformation (SACT), NATO/HQ, submit Form I-765 with Form I-566, Interagency Record of Request-A, G, or NATO Dependent Employment Authorization or Change/Adjustment to/ from A, G, or NATO Status, Dependent Employment Authorization, to:</p> <p>[Page 4]</p> <p>USLO to NATO/HQ SACT 7857 Blandy Road, Suite 200, Norfolk, VA 23551-2491</p> <p>If you are a dependent of a NATO nonimmigrant who is stationed outside of NATO/HQ SACT, submit Form I-765 with Form I-566, to the Defense Attaché's Office at the embassy of the NATO member that employs the principal alien. For more details on NATO member embassy contacts and on documents required, visit the DOS website www.state.gov/ofm under the topic "Dependent Work Authorization."</p> <p>If you have questions regarding the process or document requirements, email OEM-EAD@state.gov.</p> <p>5. Employment-Based Nonimmigrant Categories</p> <p>A. B-1 Nonimmigrant Who Is the Personal or Domestic Servant of a Nonimmigrant Employer--(c)(17)(i). File Form I-765 with:</p> <p>(1) Evidence from your employer that he or she is a B, E, F, H, I, J, L, M, O, P, R, or TN nonimmigrant and you were employed for at least 1 year by the employer before the employer entered the United States, or your employer regularly employs personal and domestic servants and has done so for a</p>	<p>3. Dependent of NATO-1 Through NATO-6--(c)(7). If you are a dependent of a NATO nonimmigrant who is stationed at Supreme Allied Command Transformation (SACT), NATO/HQ, submit Form I-765 with Form I-566 to:</p> <p>[Page 5]</p> <p>USLO to NATO/HQ SACT 7857 Blandy Road, Suite 200 Norfolk, VA 23551-2491</p> <p>If you are a dependent of a NATO nonimmigrant who is stationed outside of NATO/HQ SACT, submit Form I-765 with Form I-566 to the Defense Attaché's Office at the embassy of the NATO member that employs the principal foreign national. For more details on NATO member embassy contacts and on documents required, visit the DOS website www.state.gov/ofm under the topic "Dependent Work Authorization."</p> <p>If you have questions regarding the process or document requirements, email OEM-EAD@state.gov.</p> <p>Employment-Based Nonimmigrant Categories</p> <p>1. B-1 Nonimmigrant Who Is the Personal or Domestic Servant of a Nonimmigrant Employer--(c)(17)(i). File Form I-765 with:</p> <p>A. Evidence from your employer he or she is a B, E, F, H, I, J, L, M, O, P, Q, or TN nonimmigrant;</p> <p>B. Evidence you worked for the employer for at least one year before the employer entered the United States, or your employer</p>
--	---	--

	<p>period of years before coming to the United States; and</p> <p>(2) Evidence that you have either worked for this employer as a personal or domestic servant for at least 1 year, or evidence that you have at least 1 year experience as a personal or domestic servant; and</p> <p>(3) Evidence establishing that you have a residence abroad that you have no intention of abandoning.</p> <p>B. B-1 Nonimmigrant Domestic Servant of a U.S. Citizen--(c)(17)(ii). File Form I-765 with:</p> <p>(1) Evidence from your employer that he or she is a U.S. citizen; and</p> <p>(2) Evidence that your employer has a permanent home abroad or is stationed outside the United States and is temporarily visiting the United States or the citizen's current assignment in the United States will not be longer than 4 years; and</p> <p>(3) Evidence that he or she has employed you as a domestic servant abroad for at least 6 months prior to your admission to the United States.</p> <p>C. B-1 Nonimmigrant Employed by a Foreign Airline--(c)(17)(iii). File Form I-765 with a letter from the airline fully describing your duties and stating that your position would entitle you to E nonimmigrant status except for the fact that you are not a national of the same country as the airline or because there is no treaty of commerce and navigation in effect between the United States and that country.</p> <p>D. Spouse of an E-1/E-2 Treaty Trader or Investor--(a)(17) or Spouse of an E-3 Certain Specialty of Occupation Professional from Australia. File Form I-765 with evidence of your lawful status and evidence you are a spouse of a principal E-1/E-2, such as your Form I-94, and a copy of the principal's visa, and your marriage certificate. (Other relatives or dependents of E-1/E-2 aliens who are in E status are not eligible for employment authorization</p>	<p>regularly employs personal and domestic servants and has done so for a period of years before coming to the United States;</p> <p>C. Evidence you have either worked for this employer as a personal or domestic servant for at least one year, or evidence you have at least one year of experience as a personal or domestic servant; and</p> <p>D. Evidence establishing you have a residence abroad that you have no intention of abandoning.</p> <p>2. B-1 Nonimmigrant Domestic Servant of a U.S. Citizen--(c)(17)(ii). File Form I-765 with:</p> <p>A. Evidence from your employer he or she is a U.S. citizen;</p> <p>B. Evidence you are lawfully present in the United States as a B-1 domestic servant; and</p> <p>C. Evidence he or she has employed you as a domestic servant abroad for at least six months before your admission to the United States.</p> <p>3. B-1 Nonimmigrant Employed by a Foreign Airline--(c)(17)(iii). File Form I-765 with a letter from the airline fully describing your duties and stating your position would entitle you to E nonimmigrant status except for the fact you are not a national of the same country as the airline, or because there is no treaty of commerce and navigation in effect between the United States and that country.</p> <p>4. Spouse of an E-1 Treaty Trader, E-2 Treaty Investor, or E-3 Specialty Occupation Professional from Australia--(a)(17). File Form I-765 with:</p> <p>A. Evidence of your lawful E nonimmigrant status (for example, your Form I-94, passport, or other travel document); and</p> <p>B. Evidence you are a spouse of a principal</p>
--	---	---

	<p>and may not file under this category.)</p> <p>E. Spouse of an L-1 Intracompany Transferee--(a)(18). File Form I-765 with evidence of your lawful status and evidence you are a spouse of a principal L-1, such as your Form I-94, and a copy of the principal's visa and your marriage certificate. (Other relatives or dependents of L-1 aliens who are in L status are not eligible for employment authorization and may not file under this category.)</p> <p>F. Spouse of an E-2 CNMI Investor--(c)(12). File Form I-765 with evidence of your lawful status and evidence you are a spouse of a principal E-2 CNMI Investor, and a copy of the principal E-2 CNMI Investors long-term business certificate or Foreign Investment Certificate. (Please note that spouse of a principal E-2 CNMI Investor who obtained status on the basis of a Foreign Retiree Investment Certification is not eligible for employment authorization and may not file under this category.)</p> <p>[Page 5]</p> <p>G. Spouse of an H-1B Nonimmigrant--(c)(26). File Form I-765 along with documentation of your current H-4 admission or extension of stay. You must also submit documentation establishing either that the H-1B principal has an</p>	<p>E nonimmigrant (for example, a copy of your spouse's visa and your marriage certificate).</p> <p>NOTE: Other relatives or dependents of E nonimmigrants in E status are not eligible for employment authorization and cannot file under this category.</p> <p>5. Spouse of an L-1 Intracompany Transferee--(a)(18). File Form I-765 with:</p> <p>A. Evidence of your lawful L nonimmigrant status (for example, your Form I-94, passport, or other travel document); and</p> <p>B. Evidence you are a spouse of a principal L nonimmigrant (for example, a copy of your spouse's visa and your marriage certificate).</p> <p>NOTE: Other relatives or dependents of L nonimmigrants in L status are not eligible for employment authorization and cannot file under this category.</p> <p>[Page 6]</p> <p>6. Spouse of an E-2 Commonwealth or Northern Mariana Islands (CNMI) Investor--(c)(12). File Form I-765 with the required evidence listed under Special Filing Instructions for Spouses of E-2 CNMI Investors in the Required Documentation section of these Instructions.</p> <p>NOTE: If you are the spouse of a principal E-2 CNMI investor who obtained status on the basis of a Foreign Retiree Investment Certification, you are not eligible for employment authorization and cannot file under this category.</p> <p>7. Spouse of an H-1B Nonimmigrant--(c)(26). File Form I-765 along with documentation of your current H-4 admission or extension of stay. You must also submit documentation establishing either your spouse is the beneficiary of an</p>
--	---	---

	<p>approved Immigrant Petition for Alien Worker (Form I-140), or that your current H-4 admission or extension of stay was approved pursuant to the principal H-1B nonimmigrant's admission or extension of stay based on sections 106(a) and (b) of the American Competitiveness in the Twenty-First Century Act (AC21). For your convenience, you may file Form I-765 with Form I-539, Application to Extend/Change Nonimmigrant Status. However, USCIS will not process Form I-765 (except filing fees), until after USCIS has adjudicated Form I-539. You may also file Form I-765 at the same time as Form I-539 and Form I-129, Petition for a Nonimmigrant Worker. Please see the USCIS website at www.uscis.gov/I-765 for the most current information on where to file this benefit request.</p> <p>(1) Proof of Your Status. Submit a copy of your current Form I-797 approval notice for Form I-539 or Form I-94 showing your admission as an H-4 nonimmigrant or your most recent approved extension of stay; and</p> <p>(2) Proof of Relationship to the Principal H-1B. Submit a copy of the marriage certificate for you and the principal H-1B nonimmigrant. If you cannot submit a copy of your current Form I-797, Form I-94, or marriage certificate, USCIS will consider secondary evidence.</p> <p>(3) Basis for Work Authorization. Acceptable documentation includes:</p> <p>(a) Approved Form I-140. Submit evidence that the H-1B principal is the beneficiary of an <i>approved</i> Immigrant Petition for Alien Worker (Form I-140). You may show this by submitting a copy of the H-1B principal's Form I-797 approval notice for Form I-140; or</p> <p>(b) H-1B Principal Received AC21 106(a) and (b) Extension. Submit evidence that the principal H-1B nonimmigrant has been admitted or granted an extension of stay under AC21 106(a) and (b). You may show this by submitting copies of the H-1B principal's passports, prior Forms I-94, and current and prior Forms I-797 for Form I-129. In addition,</p>	<p>approved Form I-140, Immigrant Petition for Alien Worker, or your spouse received H-1B status based on the American Competitiveness in the Twenty-First Century Act (AC21) sections 106(a) and (b). For your convenience, you may file Form I-765 with Form I-539. However, we will not process your Form I-765 (except filing fees), until after we have adjudicated your Form I-539. You may also file Form I-765 at the same time as your Form I-539 and Form I-129, Petition for a Nonimmigrant Worker. Please see the USCIS website at www.uscis.gov/I-765 for the most current information on where to file this benefit request.</p> <p>A. Proof of Your Status. Submit a copy of your current Form I-797 Notice for Form I-539, or Form I-94 showing your admission as an H-4 nonimmigrant or your most recent approved extension of stay; and</p> <p>B. Proof of Relationship to the Principal H-1B. Submit a copy of your marriage certificate. If you cannot submit a copy of your current Form I-797 Notice, Form I-94, or marriage certificate, we will consider secondary evidence.</p> <p>C. Basis for Work Authorization. Acceptable documentation includes:</p> <p>(1) Approved Form I-140. Submit evidence the H-1B principal is the beneficiary of an approved Form I-140. You may show this by submitting a copy of your spouse's Form I-797 Notice for Form I-140; or</p> <p>(2) H-1B Principal Received AC21 106(a) and (b) Extension. Submit evidence that your spouse has been admitted or granted an extension of stay under AC21 sections 106(a) and (b). You may show this by submitting copies of your spouse's passports, prior Form I-94s, and current and prior Form I-797 Notices for Form I-129. In addition, submit evidence to establish</p>
--	---	--

	<p>please submit evidence to establish one of the following bases for the H-1B extension of stay:</p> <p>Based on Filing of a Permanent Labor Certification Application. Submit evidence that the H-1B principal is the beneficiary of a Permanent Labor Certification Application that was filed at least 365 days prior to the date the period of admission authorized under AC21 106(a) and (b) takes effect. You may show this by submitting a copy of a print out from the Department of Labor's (DOL's) website or other correspondence from DOL showing the status of the H-1B principal's Permanent Labor Certification Application. If DOL certified the Permanent Labor Certification, you must also submit a copy of Form I-797 Notice of Receipt for Form I-140 establishing that the Form I-140 was filed within 180 days of DOL certifying the Permanent Labor Certification; or</p> <p>Based on a Pending Form I-140. If the preference category sought for the principal H-1B spouse does not require a Permanent Labor Certification Application with DOL, submit evidence that the H-1B principal's Form I-140 was filed at least 365 days prior to the date the period of admission authorized under AC21 106(a) and (b) takes effect. You may show this by submitting a copy of the Form I-797 Notice of Receipt for Form I-140.</p> <p>(4) Secondary Evidence. If you do not have the evidence listed in 1, 2, or 3 above, you may ask USCIS to consider other evidence ("secondary evidence") in support of your application for employment authorization as an H-4 spouse. For example, in establishing the Basis for Employment Authorization as described in 3a and 3b, you may submit the receipt number of the H-1B principal's most current Form I-129 extension of stay or the receipt number of the H-1B principal's approved Form I-140 petition.</p> <p>Failure to provide the evidence listed above or secondary evidence may result in the delay or denial of your application for employment authorization. For additional information on secondary evidence, see</p>	<p>one of the following bases for the H-1B extension of stay:</p> <p>(a) Based on Filing of a Permanent Labor Certification Application. Submit evidence your spouse is the beneficiary of a Permanent Labor Certification Application that was filed at least 365 days prior to the date the period of admission authorized under AC21 sections 106(a) and (b) take effect. You may show this by submitting a print out from the Department of Labor's (DOL) website or other correspondence from DOL showing the status of your spouse's Permanent Labor Certification Application. If DOL certified the Permanent Labor Certification, you must also submit a copy of Form I-797 Notice for Form I-140 establishing the Form I-140 was filed within 180 days of DOL certifying the Permanent Labor Certification; or</p> <p>(b) Based on a Pending Form I-140. If the preference category sought for the principal H-1B spouse does not require a Permanent Labor Certification Application with DOL, submit evidence your spouse's Form I-140 was filed at least 365 days prior to the date the period of admission authorized under AC21 sections 106(a) and (b) take effect. You may show this by submitting a copy of the Form I-797 Notice for Form I-140.</p> <p>(c) Secondary Evidence. If you do not have the evidence listed in Items (a) or (b) above, you may ask us to consider secondary evidence in support of your application for employment authorization as an H-4 spouse. For example, in establishing the Basis for Employment Authorization as described in Items (1) and (2), you may submit the receipt number of your spouse's most current Form I-129 extension of stay or Form I-140 approved on your spouse's behalf.</p> <p>Failure to provide the evidence listed above or secondary evidence may result in the delay or denial of your Form I-765. For additional information on secondary evidence, see Evidence in the General</p>
--	---	--

	<p>Evidence in the General Instructions section.</p> <p>[Page 6]</p> <p>H. Principal Beneficiary of an Approved Employment-based Immigrant Petition Facing Compelling Circumstances--(c)(35). File Form I-765 with documents showing that you are eligible for an initial grant or a renewal of employment authorization under the (c)(35) eligibility category.</p> <p>Initial Application: If this is your first application for compelling circumstances employment authorization under the (c)(35) eligibility category, and an immigrant visa number is not yet available to you, you may be eligible if:</p> <p>(1) You have a Form I-140 approved on your behalf;</p> <p>(2) You are in the United States in a valid E-3, H-1B, H-1B1, O-1, or L-1 nonimmigrant status; and</p> <p>(3) You face compelling circumstances.</p> <p>See the Supporting Evidence by Principal section for more information regarding what documents to submit with your application, including additional requirements where you have been convicted of certain crimes.</p> <p>Renewal Application: If you already have employment authorization under the (c)(35) eligibility category, you may be eligible for renewal if:</p> <p>(1) You have a Form I-140 approved on your behalf;</p> <p>(2) You face compelling circumstances and an immigrant visa is not authorized for issuance based on your priority date according to the relevant Final Action Date in the Department of State Visa Bulletin in effect on the date the application for a renewal of employment authorization is filed; OR</p>	<p>Instructions section.</p> <p>[Page 7]</p> <p>8. Principal Beneficiary of an Approved Employment-Based Immigrant Petition Facing Compelling Circumstances--(c)(35). File Form I-765 with documents showing that you are eligible for an initial grant or a renewal of employment authorization under the (c)(35) eligibility category.</p> <p>A. Initial Application: If this is your first application for compelling circumstances employment authorization under the (c)(35) eligibility category, and an immigrant visa number is not yet available to you, you may be eligible if:</p> <p>(1) You have a Form I-140 approved on your behalf;</p> <p>(2) You are in the United States in a valid E-3, H-1B, H-1B1, O-1, or L-1 nonimmigrant status; and</p> <p>(3) You face compelling circumstances.</p> <p>See Item C. Supporting Evidence by Principal below for more information regarding what documents to submit with your application, including additional requirements where you have been convicted of certain crimes.</p> <p>B. Renewal Application: If you already have employment authorization under the (c)(35) eligibility category, you may be eligible for renewal if:</p> <p>(1) You have a Form I-140 approved on your behalf;</p> <p>(2) You face compelling circumstances and an immigrant visa is not authorized for issuance based on your priority date according to the relevant Final Action Date in the Department of State Visa Bulletin in effect on the date the application for a renewal of employment authorization is filed; OR</p>
--	---	---

	<p>The difference between your priority date and the Final Action Date for your preference category and country of chargeability is one year or less according to the Department of State Visa Bulletin in effect on the date your renewal application is filed. This means that your priority date cannot be more than 1 year earlier or 1 year later than the Department of State cut-off date in the Visa Bulletin applicable to your preference category and country of chargeability in effect on the date your renewal application is filed. If this is the basis for your renewal application, you are not required to show compelling circumstances; AND</p> <p>(3) You file your renewal application on Form I-765 with USCIS before your current employment authorization expires.</p> <p>You are not required to be in a valid nonimmigrant status when you file your renewal application.</p> <p>See the Supporting Evidence by Principal section for more information regarding what documents to submit with your application, including additional requirements where you have been convicted of certain crimes.</p> <p>Supporting Evidence by Principal</p> <p>(1) Proof You Are in the United States in E-3, H-1B, H-1B1, O-1, or L-1 Nonimmigrant Status. For initial applications, submit a copy of your Arrival-Departure Record (Form I-94) showing your admission as an E-3, H-1B, H-1B1, O-1, or L-1 nonimmigrant, or a copy of your current Form I-797 approval notice for Form I-129.</p> <p>(2) Proof of Your Approved Form I-140. For initial and renewal applications, submit a copy of a Form I-797 approval notice for Form I-140 showing the Immigrant Petition has been approved on your behalf.</p> <p>(3) Evidence You Are Facing Compelling Circumstances While You Wait for Your Immigrant Visa to Become Available. For initial and, if applicable, renewal</p>	<p>The difference between your priority date and the Final Action Date for your preference category and country of chargeability is one year or less according to the Department of State Visa Bulletin in effect on the date your renewal application is filed. This means that your priority date cannot be more than one year earlier or one year later than the Department of State cut-off date in the Visa Bulletin applicable to your preference category and country of chargeability in effect on the date your renewal application is filed. If this is the basis for your renewal application, you are not required to show compelling circumstances; AND</p> <p>(3) You file your renewal application on Form I-765 with USCIS before your current employment authorization expires. You are not required to be in a valid nonimmigrant status when you file your renewal application.</p> <p>See Item C. Supporting Evidence by Principal below for more information regarding what documents to submit with your application, including additional requirements where you have been convicted of certain crimes.</p> <p>C. Supporting Evidence by Principal</p> <p>(1) Proof You Are in the United States in E-3, H-1B, H-1B1, O-1, or L-1 Nonimmigrant Status. For initial applications, submit a copy of your Arrival-Departure Record (Form I-94) showing your admission as an E-3, H-1B, H-1B1, O-1, or L-1 nonimmigrant, or a copy of your current Form I-797 Notice for Form I-129.</p> <p>(2) Proof of Your Approved Form I-140. For initial and renewal applications, submit a copy of a Form I-797 Notice for Form I-140 showing the Immigrant Petition has been approved on your behalf.</p> <p>(3) Evidence You Are Facing Compelling Circumstances While You Wait for Your Immigrant Visa to Become Available. For initial and, if applicable, renewal</p>
--	---	---

	<p>applications based on compelling circumstances, USCIS will review the documents you provide to determine, in its discretion, whether you have established compelling circumstances. USCIS makes this discretionary determination on a case-by-case basis according to the documents submitted and the totality of the record. You should submit any credible evidence you believe supports your claim of compelling circumstances.</p> <p>[Page 7]</p> <p>(4) Secondary Evidence. If you do not have the evidence listed in 1 or 2 above, you may request USCIS to consider other evidence (“secondary evidence”) in support of your application for employment authorization.</p> <p>For additional information on secondary evidence, see Evidence in the General Instructions section.</p> <p>(5) Proof of Arrests and Conviction. For initial and renewal applications, you must submit proof of any arrests and/or convictions. If you were ever convicted of a felony or two or more misdemeanors, you cannot be granted employment authorization under this eligibility category. USCIS will make the determination as to whether your crimes fall into either of these categories. You must, however, provide information and any supporting documentation on all crimes which you were convicted of so USCIS can make an appropriate decision.</p> <p>NOTE: USCIS may, in its discretion, deny your application if you have been arrested and/or convicted of any crime.</p> <p>Provide a certified copy of all arrest reports, court dispositions, sentencing documents, and any other relevant documents.</p> <p>Traffic Violations and Arrests</p>	<p>applications based on compelling circumstances, USCIS will review the documents you provide to determine, in its discretion, whether you have established compelling circumstances. USCIS makes this discretionary determination on a case-by-case basis according to the documents submitted and the totality of the record. You should submit any credible evidence you believe supports your claim of compelling circumstances.</p> <p>(4) Secondary Evidence. If you do not have the evidence listed in Items (1) or (2) above, you may ask us to consider secondary evidence in support of your application for employment authorization. For additional information on secondary evidence, see Evidence in the General Instructions section.</p> <p>[Page 8]</p> <p>(5) Proof of Arrests and Conviction. For initial and renewal applications, you must submit proof of any arrests and/or convictions. If you were ever convicted of a felony or two or more misdemeanors, you cannot be granted employment authorization under this eligibility category. USCIS will make the determination as to whether your crimes fall into either of these categories. You must, however, provide information and any supporting documentation on all crimes which you were convicted of so USCIS can make an appropriate decision. Provide a certified copy of all arrest reports, court dispositions, sentencing documents, and any other relevant documents.</p> <p>NOTE: USCIS may, in its discretion, deny your application if you have been arrested and/or convicted of any crime.</p> <p>D. Traffic Violations and Arrests</p>
--	--	--

	<p>Do not select the “Yes” box for Item Number 23.b. on the form or submit documentation if you only have had minor traffic violations. Minor traffic violations do NOT include violations that are alcohol- or drug- related. If you were ARRESTED for any traffic offense, select the “Yes” box for Item Number 23.b. on the form and provide arrest and disposition documentation so USCIS can properly assess whether your arrest and/ or conviction may impact your employment authorization eligibility.</p> <p>NOTE: Provide the conviction and disposition documentation even if your records were sealed, expunged, or otherwise cleared. You must provide the documentation even if anyone, including a judge, law enforcement officer, or attorney told you that you no longer have a record or that you do not have to disclose the information.</p> <p>Failure to provide the evidence listed above or secondary evidence may result in the delay or denial of your application for employment authorization.</p> <p>I. Spouse or Unmarried Child of a Principal Beneficiary of an Approved Employment-based Immigrant Petition--(c)(36). File Form I-765 along with supporting documentation for an initial grant or a renewal of employment authorization under the (c)(36) eligibility category. You may file your application WITH your spouse’s or parent’s application under (c)(35). You may file your application while your spouse’s or parent’s application under (c)(35) is PENDING or AFTER your spouse’s or parent’s application has been approved by USCIS. If filing with your spouse’s or parent’s application, USCIS will not adjudicate your Form I-765 until after USCIS has adjudicated your spouse’s or parent’s Form I-765 first.</p> <p>Initial Application: If this is your first application for employment authorization under the (c)(36) eligibility category, you may be eligible if:</p> <p>(1) You are the spouse or unmarried child</p>	<p>Do not select the “Yes” box for Item Number 29. on the form or submit documentation if you only have had minor traffic violations. Minor traffic violations do NOT include violations that are alcohol- or drug-related. If you were ARRESTED for any traffic offense, select the “Yes” box for Item Number 29. on the form and provide arrest and disposition documentation so USCIS can properly assess whether your arrest and/or conviction may impact your employment authorization eligibility.</p> <p>NOTE: Provide the conviction and disposition documentation even if your records were sealed, expunged, or otherwise cleared. You must provide the documentation even if anyone, including a judge, law enforcement officer, or attorney told you that you no longer have a record or that you do not have to disclose the information.</p> <p>Failure to provide the evidence listed above or secondary evidence may result in the delay or denial of your application for employment authorization.</p> <p>9. Spouse or Unmarried Child of a Principal Beneficiary of an Approved Employment-Based Immigrant Petition--(c)(36). File Form I-765 along with supporting documentation for an initial grant or a renewal of employment authorization under the (c)(36) eligibility category. You may file your application WITH your spouse’s or parent’s application under (c)(35). You may file your application while your spouse’s or parent’s application under (c)(35) is PENDING or AFTER your spouse’s or parent’s application has been approved by USCIS. If filing with your spouse’s or parent’s application, USCIS will not adjudicate your Form I-765 until after USCIS has adjudicated your spouse’s or parent’s Form I-765 first.</p> <p>A. Initial Application: If this is your first application for employment authorization under the (c)(36) eligibility category, you may be eligible if:</p> <p>(1) You are the spouse or unmarried child</p>
--	---	--

	<p>of an individual who is filing or who has been approved for compelling circumstances employment authorization under (c)(35). (See the Proof of Relationship to Principal Beneficiary of Form I-140 section below);</p> <p>(2) Your spouse's or parent's application for compelling circumstance employment authorization under (c)(35) has been approved or is pending with USCIS (<i>not required if you are filing your application at the same time as your spouse's or parent's application under (c)(35); and</i></p> <p>(3) You were in a valid nonimmigrant status when your spouse or parent applies for initial employment authorization under the (c)(35) eligibility category.</p> <p>See the Supporting Evidence by Spouse or Unmarried Child section below for more information regarding what documents to submit with your application, including additional requirements if you have been arrested or convicted.</p> <p>[Page 8]</p> <p>Renewal Application: You may be eligible to renew your application under the (c)(36) eligibility category if:</p> <p>(1) You file Form I-765 before your current employment authorization expires;</p> <p>(2) You are the spouse or unmarried child of an individual who is filing or who has been approved for compelling circumstances employment authorization under(c)(35). (See the Proof of Relationship to the Principal Beneficiary of Form I-140 section below); and</p> <p>(3) Your spouse's or parent's application for compelling circumstance employment authorization under (c)(35) has been approved or is pending with USCIS (<i>not</i></p>	<p>of an individual who is filing or who has been approved for compelling circumstances employment authorization under (c)(35) (See Proof of Relationship to Principal Beneficiary of Form I-140 section below);</p> <p>(2) Your spouse's or parent's application for compelling circumstance employment authorization under (c)(35) has been approved or is pending with USCIS (<i>not required if you are filing your application at the same time as your spouse's or parent's application under (c)(35)); and</i></p> <p>(3) You were in a valid nonimmigrant status when your spouse or parent applies for initial employment authorization under the (c)(35) eligibility category.</p> <p>See Item C. Supporting Evidence by Spouse or Unmarried Child below for more information regarding what documents to submit with your application, including additional requirements if you have been arrested or convicted.</p> <p>B. Renewal Application: You may be eligible to renew your application under the (c)(36) eligibility category if:</p> <p>(1) You file Form I-765 before your current employment authorization expires;</p> <p>(2) You are the spouse or unmarried child of an individual who is filing or who has been approved for compelling circumstances employment authorization under (c)(35) (See Proof of Relationship to the Principal Beneficiary of Form I-140 below); and</p> <p>[Page 9]</p> <p>(3) Your spouse's or parent's application for compelling circumstance employment authorization under (c)(35) has been approved or is pending with USCIS (<i>not</i></p>
--	--	---

	<p><i>required if you are filing your application at the same time as your spouse's or parent's renewal application under (c)(35)).</i></p> <p>You are not required to be in a valid nonimmigrant status when you file your renewal application.</p> <p>See the Supporting Evidence by Spouse or Unmarried Child section below for more information regarding what documents to submit with your application, including additional requirements if you have been arrested or convicted.</p> <p>Supporting Evidence by Spouse or Unmarried Child</p> <p>(1) Proof of Your Nonimmigrant Status. For initial applications only, submit a copy of your Arrival-Departure Record (Form I-94) showing your admission as a nonimmigrant, a copy of your current Form I-797 approval notice for Form I-129, or a copy of your current Form I-797 approval notice for Form I-539.</p> <p>(2) Proof of Relationship to the Principal Beneficiary of the Approved Form I-140. For initial and renewal applications, if you are applying as the spouse of a principal beneficiary of an approved Form I-140, submit a copy of the marriage certificate and if applicable, copies of documents showing the legal termination of all other marriages by you or your spouse. If you are applying as the child of a principal beneficiary of an approved Form I-140, submit a copy of your birth certificate or other documents to demonstrate you qualify as the principal beneficiary's child. If you cannot submit a copy of your marriage certificate or birth certificate, USCIS will consider secondary evidence.</p> <p>(3) Proof the Spouse or Parent Principal Beneficiary was Granted or has Applied for Employment Authorization Under Eligibility Category (c)(35). For initial and renewal applications, if you submit your Form I-765 after your spouse or parent receives employment authorization under eligibility category (c)(35), submit a</p>	<p>required if you are filing your application at the same time as your spouse's or parent's renewal application under (c)(35)).</p> <p>You are not required to be in a valid nonimmigrant status when you file your renewal application.</p> <p>See Item C. Supporting Evidence by Spouse or Unmarried Child below for more information regarding what documents to submit with your application, including additional requirements if you have been arrested or convicted.</p> <p>C. Supporting Evidence by Spouse or Unmarried Child</p> <p>(1) Proof of Your Nonimmigrant Status. For initial applications only, submit a copy of your Arrival-Departure Record (Form I-94) showing your admission as a nonimmigrant, a copy of your current Form I-797 Notice for Form I-129, or a copy of your current Form I-797 Notice for Form I-539.</p> <p>(2) Proof of Relationship to the Principal Beneficiary of the Approved Form I-140. For initial and renewal applications, if you are applying as the spouse of a principal beneficiary of an approved Form I-140, submit a copy of the marriage certificate and if applicable, copies of documents showing the legal termination of all other marriages by you or your spouse. If you are applying as the child of a principal beneficiary of an approved Form I-140, submit a copy of your birth certificate or other documents to demonstrate you qualify as the principal beneficiary's child. If you cannot submit a copy of your marriage certificate or birth certificate, USCIS will consider secondary evidence.</p> <p>(3) Proof the Spouse or Parent Principal Beneficiary was Granted or has Applied for Employment Authorization Under Eligibility Category (c)(35). For initial and renewal applications, if you submit your Form I-765 after your spouse or parent receives employment authorization under eligibility category (c)(35), submit a</p>
--	---	--

	<p>copy of your spouse's or parent's employment authorization document or submit a copy of your spouse's or parent's Form I-797 approval notice for Form I-765.</p> <p>If your spouse's or parent's application under (c)(35) is pending when you file your Form I-765, submit a copy of your spouse's or parent's Form I-797 receipt notice for the pending Form I-765 application. USCIS will not adjudicate your Form I-765 until USCIS has adjudicated your spouse's or parent's Form I-765.</p> <p>(4) Secondary Evidence. If you do not have the evidence listed in 1, 2, or 3 above, you may request USCIS to consider other evidence ("secondary evidence") in support of your application for employment authorization.</p> <p>For additional information on secondary evidence, see Evidence in the General Instructions section.</p> <p>(5) Proof of Arrests and Convictions. For initial and renewal applications, you must submit proof of any arrests and/or convictions. If you were ever convicted of a felony or two or more misdemeanors committed, you cannot be granted employment authorization under this eligibility category. USCIS will make the determination as to whether your crimes fall into either of these categories. You must, however, provide information and any supporting documentation on all crimes which you were convicted of so USCIS can make an appropriate decision.</p> <p>NOTE: USCIS may, in its discretion, deny your application if you have been arrested and/or convicted of any crime.</p> <p>Provide a certified copy of all arrest reports, court dispositions, sentencing documents, and any other relevant documents.</p> <p>[Page 9]</p> <p>Traffic Violations and Arrests</p>	<p>copy of your spouse's or parent's employment authorization document or submit a copy of your spouse's or parent's Form I-797 Notice for Form I-765.</p> <p>If your spouse's or parent's application under (c)(35) is pending when you file your Form I-765, submit a copy of your spouse's or parent's Form I-797 Notice for the pending Form I-765. USCIS will not adjudicate your Form I-765 until USCIS has adjudicated your spouse's or parent's Form I-765.</p> <p>(4) Secondary Evidence. If you do not have the evidence listed in Items (1), (2), or (3) above, you may ask us to consider secondary evidence in support of your application for employment authorization. For additional information on secondary evidence, see Evidence in the General Instructions section.</p> <p>(5) Proof of Arrests and Convictions. For initial and renewal applications, you must submit proof of any arrests and/or convictions. If you were ever convicted of a felony or two or more misdemeanors committed, you cannot be granted employment authorization under this eligibility category. USCIS will make the determination as to whether your crimes fall into either of these categories. You must, however, provide information and any supporting documentation on all crimes which you were convicted of so USCIS can make an appropriate decision. Provide a certified copy of all arrest reports, court dispositions, sentencing documents, and any other relevant documents.</p> <p>NOTE: USCIS may, in its discretion, deny your application if you have been arrested and/or convicted of any crime.</p> <p>D. Traffic Violations and Arrests</p>
--	---	---

	<p>Do not select the “Yes” box for Item Number 23.b. on the form or submit documentation if you only have had minor traffic violations. Minor traffic violations do NOT include violations that are alcohol- or drug- related. If you were ARRESTED for any traffic offense, select the “Yes” box for Item Number 23.b. on the form and provide arrest and disposition documentation so USCIS can properly assess whether your arrest and/ or conviction may impact your employment authorization eligibility.</p> <p>NOTE: Provide the conviction and disposition documentation even if your records were sealed, expunged, or otherwise cleared. You must provide the documentation even if anyone, including a judge, law enforcement officer, or attorney, told you that you no longer have a record or that you do not have to disclose the information.</p> <p>Failure to provide the evidence listed above or secondary evidence may result in the delay or denial of your application for employment authorization.</p> <p>J. Department of State Visa Bulletin. USCIS will adjudicate all applications for initial or renewal employment authorization according to the Visa Bulletin in effect on the date the application is filed. To see the current visa Bulletin, please go to www.state.gov/travel and click the link to the Visa Bulletin.</p> <p>K. Priority Dates. For more information about priority dates, please visit our Visa Availability and Priority Date website at www.uscis.gov.</p> <p>L. Filing Location. Please see the USCIS website at www.uscis.gov/I-765 for the most current information on where to file your application for initial or renewal employment authorization under the (c)(35) or (c)(36) eligibility categories.</p>	<p>Do not select the “Yes” box for Item Number 31.b. on the form or submit documentation if you only have had minor traffic violations. Minor traffic violations do NOT include violations that are alcohol- or drug-related. If you were ARRESTED for any traffic offense, select the “Yes” box for Item Number 31.b. on the form and provide arrest and disposition documentation so USCIS can properly assess whether your arrest and/or conviction may impact your employment authorization eligibility.</p> <p>[Page 10]</p> <p>NOTE: Provide the conviction and disposition documentation even if your records were sealed, expunged, or otherwise cleared. You must provide the documentation even if anyone, including a judge, law enforcement officer, or attorney, told you that you no longer have a record or that you do not have to disclose the information.</p> <p>Failure to provide the evidence listed above or secondary evidence may result in the delay or denial of your application for employment authorization.</p> <p>E. Department of State Visa Bulletin. USCIS will adjudicate all applications for initial or renewal employment authorization according to the Visa Bulletin in effect on the date the application is filed. To see the current Visa Bulletin, please go to www.state.gov/travel and click the link to the Visa Bulletin.</p> <p>F. Priority Dates. For more information about priority dates, please visit our Visa Availability and Priority Date website at www.uscis.gov.</p> <p>G. Filing Location. Please see the USCIS website at www.uscis.gov/I-765 for the most current information on where to file your application for initial or renewal employment authorization under the (c)(35) or (c)(36) eligibility categories.</p>
--	--	--

	<p>6. Family-Based Nonimmigrant Categories</p> <p>A. K-1 Nonimmigrant Fiance(e) of U.S. Citizen or K-2 Dependent--(a)(6). File Form I-765 if you are filing within 90 days from the date of entry. This EAD cannot be renewed. Any EAD application other than for a replacement must be based on your pending application for adjustment under (c)(9).</p> <p>B. K-3 Nonimmigrant Spouse of U.S. Citizen or K-4 Dependent--(a)(9). File Form I-765 along with evidence of your admission such as copies of your Form I-94, passport, and K visa.</p> <p>C. Family Unity Program--(a)(13). If you are filing for initial or extension of Family Unity benefits, complete and submit Form I-817, Application for Family Unity Benefits, according to the filing instructions on Form I-817. An EAD will be issued if your Form I-817 is approved; you do not need to submit Form I-765.</p> <p>If your non-expired Family Unity EAD is lost or stolen, file Form I-765 with proper fee(s), along with a copy of your approval notice for Family Unity benefits, to request a replacement.</p> <p>D. LIFE Family Unity--(a)(14). If you are applying for initial employment authorization under Family Unity provisions of section 1504 of the LIFE Act Amendments, or an extension of such authorization, you should not use this form. Obtain and complete Form I-817, Application for Family Unity Benefits. If you are applying for a replacement EAD that was issued under LIFE Act Amendments Family Unity provisions, file Form I-765 with the required evidence</p>	<p>Family-Based Nonimmigrant Categories</p> <p>1. K-1 Nonimmigrant Fiancé(e) of U.S. Citizen or K-2 Dependent--(a)(6). File Form I-765 along with evidence of your admission (for example, copies of your Form I-94, passport, or other travel document) and your K visa. You are only authorized to work under this category during your 90 days in K-1 or K-2 status. You cannot renew this EAD. If you submit subsequent EAD applications, other than for replacement of a lost, stolen, or damaged card or a card that contains incorrect data, you must apply on a different basis. If you have a pending application for adjustment of status, you should file under category (c)(9).</p> <p>2. K-3 Nonimmigrant Spouse of U.S. Citizen or K-4 Dependent--(a)(9). File Form I-765 along with evidence of your admission (for example, copies of your Form I-94, passport, or other travel document) and your K visa.</p> <p>3. Family Unity Program--(a)(13). If you are filing for initial or extension of family unity benefits, complete and submit Form I-817, Application for Family Unity benefits, according to the filing instructions on Form I-817. We will issue an EAD if we approve your Form I-817; no Form I-765 is necessary.</p> <p>[Deleted]</p> <p>4. LIFE Family Unity--(a)(14). If you are applying for initial employment authorization under section 1504 of the LIFE Act Amendments, complete and submit Form I-817. We will issue an EAD if we approve your Form I-817; no Form I-765 is necessary.</p>
--	---	--

	<p>listed in the Required Documentation section of these Instructions.</p> <p>E. V-1, V-2, or V-3 Nonimmigrant--(a)(15). If you have been inspected and admitted to the United States with a valid V visa, file this application along with evidence of your admission, such as copies of your Form I-94, passport, and K visa. If you have been granted V status while in the United States, file this application along with evidence of your V status, such as an approval notice. If you are in the United States but you have not yet filed an application for V status, you may file this application at the same time as you file your application for V status. USCIS will adjudicate this application after adjudicating your application for V status.</p> <p>[Page 10]</p> <p>7. EAD Applicants Who Have Filed for Adjustment of Status</p> <p>A. Adjustment Applicant--(c)(9). File Form I-765 with a copy of the receipt notice or other evidence that your Form I-485, Application for Permanent Residence or Adjust Status, is pending. You may file Form I-765 together with your Form I-485.</p> <p>B. Adjustment Applicant Based on Continuous Residence Since January 1, 1972--(c)(16). File Form I-765 with your Form I-485, Application to Register for Permanent Residence or Adjust Status; a copy of your receipt notice; or other evidence that the Form I-485 is pending.</p>	<p>5. V-1, V-2, or V-3 Nonimmigrant--(a)(15). If you were granted V status or an extension of V status while in the United States, file Form I-765 with evidence of your V status (for example, an approval notice, your Form I-94, passport, or other travel document). If you are in the United States but you have not yet filed an application for V status, you may file Form I-765 at the same time as you file your application for V status. We will adjudicate this application after adjudicating your application for V status.</p> <p>Adjustment of Status Categories</p> <p>1. Adjustment Applicant--(c)(9). File Form I-765 together with Form I-485, Application to Register Permanent Residence or Adjust Status, or if filing separately submit a copy of your I-485 receipt notice or other evidence that your Form I-485 is pending.</p> <p>NOTE: If you are an asylee or refugee and have applied to adjust to lawful permanent resident status on Form I-485, file Form I-765 under category (a)(5) as an asylee or (a)(3) as a refugee. Do not file under eligibility category (c)(9). You will need to pay the filing fee or obtain a fee waiver for Form I-765 if your Form I-485 is still pending with USCIS and this is not your first EAD as a refugee and you did not pay the Form I-485 filing fee for any reason.</p> <p>2. Registry Applicant Based on Continuous Residence Since January 1, 1972--(c)(16). File Form I-765 together with your Form I-485 or, if filing separately, submit a copy of your Form I-485 receipt notice or other evidence that your Form I-485 is pending.</p>
--	--	--

	<p>C. Renewal EAD for National Interest Waiver Physicians: If you are filing for a renewal EAD based on your pending adjustment status and an approved National Interest Waiver Physician petition, you must also include evidence of your meaningful progress toward completing the National Interest Waiver obligation. Such evidence includes documentation of employment in any period during the previous 12 months (e.g., copies of W-2 forms). If you did not work as a National Interest Waiver Physician during any period of the previous 12 months, you must explain and provide a statement of future intent to work in the National Interest Waiver employment program.</p> <p>8. Other Categories</p> <p>A. N-8 or N-9 Nonimmigrant--(a)(7). File Form I-765 with the required evidence listed in the Required Documentation section of these Instructions.</p> <p>B. Granted Withholding of Deportation or Removal--(a)(10). File Form I-765 with a copy of the Immigration Judge's order. It is not necessary to apply for a new EAD until 90 days before the expiration of your current EAD.</p> <p>C. Applicant for Suspension of Deportation--(c)(10). File Form I-765 with evidence that your Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to Section 203 of Public Law 105-100 (NACARA)), or Form EOIR-40, is pending.</p>	<p>[Page 11]</p> <p>3. Renewal EAD for National Interest Waiver Physicians: If you are requesting a renewal EAD based on your pending adjustment of status application and an approved National Interest Waiver Physician petition, you must also include evidence of your meaningful progress toward completing the National Interest Waiver obligation (for example, documentation of employment in any period during the previous year, such as copies of W-2 forms). If you did not work as a National Interest Waiver Physician during any period of the previous year, you must explain why and provide a statement of future intent to work as a physician in a qualifying location.</p> <p>Other Categories</p> <p>1. N-8 or N-9 Nonimmigrant--(a)(7). File Form I-765 with evidence of your lawful N nonimmigrant status (for example, your Form I-94, passport, or other travel document).</p> <p>[Deleted]</p> <p>2. Applicant for Cancellation of Removal--(c)(10). File Form I-765 with evidence one of the following forms is pending with EOIR: EOIR-42A or EOIR-42B.</p> <p>3. Applicant for Legalization Pursuant to INA Section 245A--(c)(22). File Form I-765 with a copy of your receipt notice for Form I-687, Application for Status as a Temporary Resident Under Section 245A of the INA, or other evidence that your Form I-687 is pending.</p>
--	--	---

	<p>D. Paroled in the Public Interest--(c)(11). File Form I-765 if you were paroled into the United States for emergent reasons or reasons strictly in the public interest.</p> <p>E. Deferred Action--(c)(14). File Form I-765 with a copy of the order, notice, or document reflecting the exercise of deferred action. To determine your eligibility for work authorization, you must establish economic necessity. USCIS will consider whether you have an economic need to work by reviewing your current annual income, your current annual expenses, and the total current value of your assets. Provide this financial information on Form I-765WS, Form I-765 Worksheet. If you would like to provide an explanation, complete Part 3. Explanation, of the worksheet. It is not necessary to submit supporting documentation, though it will be accepted and reviewed if you choose to submit it.</p> <p>F. Consideration of Deferred Action for Childhood Arrivals--(c)(33).</p> <p>(1) You must file Form I-765 with Form I-821D if you meet the guidelines described in the Form I-821D Filing Instructions. Enter (c)(33) in Item Number 20. as the letter and number of the category for which you are applying.</p> <p>(a) To determine your eligibility for work authorization, you must establish economic necessity. USCIS will consider whether you have an economic need to work by reviewing your current annual income, your current annual expenses, and the total current value of your assets. Provide this financial information on Form I-765WS, Form I-765 Worksheet. If you would like to provide an explanation, complete Part 3. Explanation, of the worksheet. It is not necessary to submit supporting documentation, though it will be accepted and reviewed if you choose to submit it. You do not need to include other household member's financial information to establish</p>	<p>4. Parole--(c)(11). File Form I-765 with a copy of your Form I-94, passport, or other travel document showing you were paroled into the United States for urgent humanitarian reasons or reasons of significant public benefit.</p> <p>5. Deferred Action--(c)(14). File Form I-765 with a copy of the order, notice, or other document reflecting the grant of deferred action and proof that you have an economic necessity to work. We will consider whether you have an economic necessity to work by reviewing your current annual income, your current annual expenses, and the total current value of your assets. Provide this financial information on Form I-765WS, Form I-765 Worksheet. If you would like to provide an explanation, complete Part 3. Explanation of the worksheet. You are not required to submit supporting documentation, but we will review it if you choose to submit it. You do not need to include other household members' financial information to establish your own economic necessity.</p> <p>6. Consideration of Deferred Action for Childhood Arrivals--(c)(33).</p> <p>A. You must file Form I-765 with Form I-821D, Consideration of Deferred Action for Childhood Arrivals, if you meet the guidelines described in the Form I-821D filing instructions. Enter (c)(33) in Item Number 27. as the eligibility category under which you are applying.</p> <p>(1) Submit proof that you have an economic necessity to work. We will consider whether you have an economic necessity to work by reviewing your current annual income, your current annual expenses, and the total current value of your assets. Provide this financial information on Form I-765WS. If you would like to provide an explanation, complete Part 3. Explanation of the worksheet. You are not required to submit supporting documentation, but we will review it if you choose to submit it. You do not need to include other household members' financial information to establish your own economic necessity.</p>
--	---	---

	<p>your own economic necessity.</p> <p>(b) USCIS will not begin adjudicating Form I-765 if filed together with Form I-821D until USCIS has decided whether to defer action in your case.</p> <p>[Page 11]</p> <p>(c) The fee for Form I-765 filed based on the Consideration of Deferred Action for Childhood Arrivals category cannot be waived. Biometric collection and the biometric services fee for Form I-765 based on the Consideration of Deferred Action for Childhood Arrivals category is also required and cannot be waived.</p> <p>(2) If U.S. Immigration and Customs Enforcement (ICE) deferred action on your case, file a stand-alone Form I-765 with a copy of the order, notice, or document reflecting the exercise of deferred action. To determine your eligibility for work authorization, you must establish economic necessity. USCIS will consider whether you have an economic need to work by reviewing your current annual income, your current annual expenses, and the total current value of your assets. Provide this financial information on Form I-765WS, Form I-765 Worksheet. If you would like to provide an explanation, complete Part 3. Explanation, of the worksheet. It is not necessary to submit supporting documentation, though it will be accepted and reviewed if you choose to submit it. You do not need to include other household member's financial information to establish your own economic necessity.</p> <p>When completing the Form I-765:</p> <p>(a) Enter "Unlawful Status: Deferred Action for Childhood Arrivals by ICE" for Item Number 19.</p> <p>(b) Enter (c)(33) in Item Number 20, as the letter and number of the category for which you are applying.</p> <p>G. Final Order of Deportation--(c)(18). File Form I-765 with a copy of the order of</p>	<p>[Deleted]</p> <p>(2) The filing fee for Form I-765 based on the Consideration of Deferred Action for Childhood Arrivals category and the associated biometrics services fee cannot be waived. However, we may waive the collection of certain biometrics.</p> <p>[Deleted]</p> <p>7. Final Order of Deportation or Removal, including Deferral of Removal</p>
--	---	---

	<p>supervision and a request for employment authorization that may be based on but not limited to the following:</p> <p>(1) Existence of a dependent spouse and/or children in the United States who rely on you for support;</p> <p>(2) Existence of economic necessity to be employed; and</p> <p>(3) Anticipated length of time before you can be removed from the United States.</p> <p>H. LIFE Legalization Applicant--(c)(24). We encourage you to file Form I-765 together with your Form I-485, Application to Register Permanent Residence or Adjust Status, to facilitate processing. However, you may file Form I-765 at a later date with evidence that you were a CSS, LULAC, or Zambrano class member applicant before October 1, 2000, and with a copy of the receipt notice or other evidence that your Form I-485 is pending.</p> <p>I. T-1 Nonimmigrant--(a)(16). If you are applying for initial employment authorization as a T-1 nonimmigrant, file Form I-765 only if you did not request an employment authorization document when you applied for T nonimmigrant status. If you have been granted T nonimmigrant status and this is a request for a renewal or replacement of an employment authorization document, file Form I-765 along with evidence of your T nonimmigrant status, such as an approval notice.</p>	<p>under the Convention Against Torture--(c)(18). File Form I-765 with a copy of the EOIR IJ's Order of Removal and Form I-220B, Order of Supervision (if any). Additional factors that may be considered include, but are not limited to, the following:</p> <p>A. Existence of a dependent spouse and/or children in the United States who rely on you for support;</p> <p>B. Existence of economic necessity to be employed; and</p> <p>C. Anticipated length of time before you can be removed from the United States.</p> <p>[Page 12]</p> <p>8. LIFE Legalization Applicant--(c)(24). File Form I-765 with evidence that you were a Catholic Social Services (CSS), League of United Latin American Citizens (LULAC), or Zambrano class member applicant before October 1, 2000 and a copy of the Form I-797 Notice or other evidence that your Form I-485 is pending.</p> <p>9. T-1 Nonimmigrant--(a)(16). If you are filing Form I-914, Application for T Nonimmigrant Status, and request an EAD as part of that application, you do not need to file Form I-765. If you are currently in T-1 nonimmigrant status and did not request an EAD when you filed your Form I-914, you may file Form I-765 to request an EAD. If you were granted T-1 nonimmigrant status and want to request a replacement of an EAD, file Form I-765 along with evidence of your T-1 nonimmigrant status (for example, an approval notice).</p> <p>If you have filed Form I-539 to extend your T-1 nonimmigrant status, you may file Form I-765 to request a renewal of your EAD, along with evidence of your T nonimmigrant status (for example, an approval notice). You may file Form I-765 together with Form I-539 or after we</p>
--	--	---

	<p>J. T-2, T-3, or T-4 Nonimmigrant--(c)(25). File Form I-765 with a copy of your T-1 (principal alien's) approval notice and proof of your relationship to the T-1 principal.</p>	<p>approve your Form I-539. If you file Form I-765 after we approve your Form I-539, submit a copy of your I-539 approval notice.</p> <p>10. T-2, T-3, T-4, T-5, or T-6 Nonimmigrant--(c)(25). File Form I-765 along with proof of your derivative T nonimmigrant status. If you obtained derivative T nonimmigrant status while in the United States, you must submit a copy of the approval notice for your T nonimmigrant status. If you were admitted to the United States as a T nonimmigrant, you must submit a copy of your passport with your T nonimmigrant visa. If you were granted derivative T nonimmigrant status and want to request replacement of an EAD, file Form I-765 along with evidence of your derivative T nonimmigrant status (for example, an approval notice).</p> <p>If you (or the T-1 principal foreign national) filed Form I-539 to extend your T-2, T-3, T-4, T-5, or T-6 nonimmigrant status in conjunction with an extension of the principal T-1 nonimmigrant's status, you may file Form I-765 to request an initial or renewal EAD, along with evidence of your nonimmigrant status (for example, an approval notice or copy of your passport with your T nonimmigrant visa). You may also file Form I-765 together with Form I-539 or after we approve your Form I-539. If you file Form I-765 after we approve your Form I-539, submit a copy of your Form I-539 approval notice.</p> <p>NOTE: Derivative family members of T-1 nonimmigrants living outside the United States are not eligible to receive an EAD until they lawfully enter the United States. If you are a derivative family member who is outside the United States, do not file Form I-765.</p> <p>11. T Nonimmigrant Adjustment of Status--(c)(9). If you filed Form I-485 to adjust your status from a T-1, T-2, T-3, T-4, T-5, or T-6 nonimmigrant to a lawful permanent resident, you may file Form I-765 together with Form I-485 if you are seeking an EAD. You should also include</p>
--	---	--

	<p>K. U-1 Nonimmigrant--(a)(19). If you are applying for initial employment authorization as a U-1 nonimmigrant, file Form I-765 only if you did not request an employment authorization document when you applied for U nonimmigrant status. If you have been granted U nonimmigrant status and this is a request for a renewal or replacement of an employment authorization document, file Form I-765 along with evidence of your U nonimmigrant status, such as an approval notice.</p> <p>L. U-2, U-3, U-4, or U-5--(a)(20). If you obtained U nonimmigrant status while in the United States, you must submit a copy</p>	<p>evidence of your T nonimmigrant status (for example, an approval notice or copy of your passport with your T nonimmigrant visa). If you file Form I-765 after filing Form I-485, submit a copy of your Form I-485 receipt notice. While your Form I-485 is pending, we will extend T nonimmigrant status until a decision is made on your Form I-485.</p> <p>12. U-1 Nonimmigrant--(a)(19). If you are currently residing in the United States and your Form I-918, Petition for U Nonimmigrant Status is approved, you will receive employment authorization incident to status and USCIS will send you an EAD as evidence of that authorization. You do not need to file Form I-765. If we granted your U nonimmigrant status and you want to request a replacement of an EAD, file Form I-765 along with evidence of your U nonimmigrant status (for example, an approval notice).</p> <p>If you have filed Form I-539 to extend your U-1 nonimmigrant status, you may file Form I-765 to request a renewal of your EAD, along with evidence of your U-1 nonimmigrant status (for example, an approval notice). You may file Form I-765 together with Form I-539, or after we approve your Form I-539. If you file Form I-765 after we approve your Form I-539, submit a copy of your I-539 approval notice.</p> <p>NOTE: If the statutory cap is reached within a fiscal year and USCIS uses the waiting list process described at 8 CFR 214.14(d)(2), U-1 petitioners for U nonimmigrant status in the United States can file Form I-765 to apply for an EAD based on deferred action ((c)(14)). An application for employment authorization based on deferred action can only be approved after DHS has issued deferred action in your case, regardless of when Form I-765 is filed.</p> <p>[Page 13]</p> <p>13. U-2, U-3, U-4, or U-5--(a)(20). You may file Form I-765 at the same time as Form 918, Supplement A, Petition for</p>
--	--	--

	<p>of the approval notice for your U nonimmigrant status. If you were admitted to the United States as a U nonimmigrant, you must submit a copy of your passport with your U nonimmigrant visa.</p>	<p>Qualifying Family Member of U-1 Recipient, or you may file Form I-765 at a later time. If USCIS has granted you derivative U nonimmigrant status, file Form I-765 along with proof of your derivative U nonimmigrant status. If you obtained derivative U nonimmigrant status while in the United States, you must submit a copy of the approval notice for that status. If you were admitted to the United States as a U nonimmigrant, you must submit a copy of your passport with your U nonimmigrant visa.</p> <p>If you (or the principal U-1 nonimmigrant) filed Form I-539 to extend your U-2, U-3, U-4, or U-5 nonimmigrant status, you may file Form I-765 to request an initial or renewal EAD, along with evidence of your nonimmigrant status (for example, an approval notice or copy of your passport with your U nonimmigrant visa). You may file Form I-765 together with Form I-539 or after we approve your Form I-539. If you file Form I-765 after we approve your Form I-539, submit a copy of your Form I-539 approval notice.</p> <p>NOTE: Derivative family members of U-1 nonimmigrants living outside the United States are not eligible to receive an EAD until they lawfully enter the United States. If you are a derivative family member who is outside the United States, do not file Form I-765.</p> <p>NOTE: If the statutory cap is reached within a fiscal year and USCIS uses the waiting list process described at 8 CFR 214.14(d)(2), derivative family members of U-1 petitioners for U nonimmigrant status in the United States can file Form I-765 to apply for an EAD based on deferred action ((c)(14)). An application for employment authorization based on deferred action can only be approved after DHS has issued deferred action in your case, regardless of when Form I-765 is filed.</p> <p>14. U Nonimmigrant Adjustment of Status--(c)(9). If you filed Form I-485 to adjust your status from a U-1, U-2, U-3, U-4 or U-5 Nonimmigrant to a lawful permanent resident, you may file Form I-765 along with Form I-485 if you are</p>
--	---	--

	<p>M. VAWA Self-Petitioners--(c)(31). If you are the principal beneficiary or qualified child of an approved VAWA self-petition, you are eligible for work authorization. File Form I-765 with evidence of your status, such as a copy of Form I-360 approval notice. Additionally, you may file Form I-765 together with your initial VAWA self- petition.</p>	<p>seeking an EAD. You should also include evidence of your U nonimmigrant status (for example, an approval notice or copy of your passport with your U nonimmigrant visa). If you file Form I-765 after filing your Form I-485, submit a copy of your Form I-485 receipt notice. While your Form I-485 is pending, we will extend your U nonimmigrant status until we make a decision on your Form I-485.</p> <p>15. VAWA Self-Petitioners--(c)(31). If you are the principal beneficiary or derivative child of an approved VAWA self- petition, you are eligible for work authorization. If you are filing a Form I-360 VAWA self-petition, and request an initial EAD as the principal beneficiary of the self-petition, you do not need to file Form I-765. Principal beneficiaries of an approved VAWA self-petition seeking a renewal or replacement EAD and derivative children seeking an EAD must use Form I-765. File Form I-765 with evidence of the principal beneficiary's approved Form I-360 VAWA self- petition (for example, a copy of the VAWA self-petition approval notice).</p> <p>16. A-3 or G-5 Nonimmigrant--(c)(14). If you have filed a pending civil action against your employer because your employer violated the terms of your employment contract or conditions of your employment, you may file Form I-765 to request deferred action and receive work authorization. File Form I-765 with a copy of the civil complaint filed in court and proof of lawful admission into the United States in A-3 or G-5 status (for example, a copy of your passport with your A-3 or G-5 nonimmigrant visa). If you are requesting renewal after your initial employment authorization is granted, file Form I-765 with evidence that the civil case is still pending (for example, a recent court docket update).</p>
Page 12, General Instructions	<p>[Page 12]</p> <p>General Instructions</p>	<p>[Page 13]</p> <p>General Instructions</p> <p>USCIS provides forms free of charge through the USCIS website. In order to view, print, or fill out our forms, you</p>

	<p>be obtained, you must demonstrate this and submit secondary evidence pertinent to the facts at issue. If secondary evidence does not exist or is unavailable you must demonstrate this and submit two or more sworn affidavits by non-parties who have direct knowledge of the event and circumstances.</p> <p>Biometrics Services Appointment. After receiving your application and ensuring completeness, USCIS will inform you in writing when to go to your local USCIS Application Support Center (ASC) for your biometrics services appointment. Failure to attend the biometrics services appointment may result in denial of your application.</p> <p>Copies. Unless specifically required that an original document be filed with an</p>	<p>get a required document, you must demonstrate this and provide secondary evidence. If secondary evidence does not exist or is unavailable, you must demonstrate both the unavailability of the required document and the relevant secondary evidence and submit two or more sworn affidavits by people not named on this application who have direct knowledge of the event and circumstances.</p> <p>Biometric Services Appointment. USCIS may require that you appear for an interview or provide fingerprints, photograph, and/or signature at any time to verify your identity, obtain additional information, and conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation (FBI), before making a decision on your application, petition, or request. After USCIS receives your application and ensures it is complete, we will inform you in writing, if you need to attend a biometric services appointment. If an appointment is necessary, the notice will provide you the location of your local or designated USCIS Application Support Center (ASC) and the date and time of your appointment or, if you are currently overseas, instruct you to contact a U.S. Embassy, U.S. Consulate, or USCIS office outside the United States to set up an appointment.</p> <p>If you are required to provide biometrics, at your appointment you must sign an oath reaffirming that:</p> <ol style="list-style-type: none"> 1. You provided or authorized all information in the application; 2. You reviewed and understood all of the information contained in, and submitted with, your application; and 3. All of this information was complete, true, and correct at the time of filing. <p>If you fail to attend your biometric services appointment, USCIS may deny your application.</p> <p>Copies. You should submit legible photocopies of documents requested, unless</p>
--	--	---

	<p>application or petition, a legible photocopy may be submitted. Original documents submitted when not required may remain a part of the record and will not be automatically returned to you.</p> <p>Translations. Any document containing foreign language submitted to USCIS must be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator’s certification that he or she is competent to translate from the foreign language into English.</p> <p>How To Fill Out Form I-765</p> <ol style="list-style-type: none"> 1. Type or print legibly in black ink. 2. If extra space is needed to complete any item, attach a continuation sheet, write your name and Alien Registration Number (A-Number) (if any), at the top of each sheet of paper, indicate the Part and item number to which your answer refers, and date and sign each sheet. 3. Answer all questions fully and accurately. State that an item is not applicable with “N/A.” If the answer is none, write “None.” 	<p>the Instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application, petition, or request. If USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.</p> <p>NOTE: If you submit original documents when not required or requested by USCIS, your original documents may be immediately destroyed upon receipt.</p> <p>Translations. If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English. The certification must include the translator’s signature. DHS recommends the certification contain the translator’s printed name and the date and the translator’s contact information.</p> <p>[Page 15]</p> <p>How To Fill Out Form I-765</p> <ol style="list-style-type: none"> 1. Type or print legibly in black ink. 2. If you need extra space to complete any item within this application, use the space provided in Part 7. Additional Information or attach a separate sheet of paper; type or print your name and Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the Page Number, Part Number, and Item Number to which your answer refers; and sign and date each sheet. 3. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks, “Provide the name of your current spouse”), type or print “N/A” unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for
--	--	---

		example, “How many children do you have” or “How many times have you departed the United States”), type or print “None” unless otherwise directed.
Page 12-13, General Instructions		<p>[Page 15]</p> <p>Specific Instructions</p> <p>Part 1. Reason for Applying</p> <p>Select the Item Number that best describes your reason for applying:</p> <p>Item Number 1.a. Initial permission to accept employment;</p> <p>Item Number 1.b. Replacement of a lost, stolen, or damaged EAD, or correction of my EAD not due to USCIS error; or</p> <p>NOTE: Replacement (correction) of an employment authorization document due to USCIS error does not require a new Form I-765 and filing fee. Refer to the Replacement for Card Error section of these Instructions for further details.</p> <p>Item Number 1.c. Renewal of permission to accept employment. If you select Item Number 1.c., attach a copy of your previous EAD.</p> <p>Part 2. Information About You</p> <p>Item Numbers 1.a. - 1.c. Your Full Name. Provide your full legal name as shown on your birth certificate or legal change of name document in the spaces provided.</p> <p>Item Numbers 2.a. - 3.c. Other Names Used. Provide other names you have used since birth, including your maiden name, any nicknames, and any names that appear in your documents. If you need extra space, use Part 7. Additional Information to provide other names used.</p> <p>Item Numbers 4.a. – 4.f. U.S. Mailing Address. You must provide a valid mailing address in the United States. You may list a valid U.S. residence, APO, or commercial address. You may also list a U.S. Post Office address (PO Box) if that is how you</p>

		<p>receive your mail. If your mail is sent to someone other than yourself, please include an “In Care Of Name” as part of your mailing address. If your U.S. mailing address is in a U.S. territory and it contains an urbanization name, list the urbanization name in the “In Care Of Name” space provided. We will send your EAD to this address. Do not use the attorney’s or other legal representative’s address.</p> <p>NOTE: If you have a pending or approved Form I-360 VAWA self-petition, Form I-914, Application for T Nonimmigrant Status, or Form I-918, Petition for U Nonimmigrant Status, and do not feel safe receiving correspondence regarding this application at your residential address, provide a safe mailing address. You may provide a post office box (PO Box) or the address of a friend, your attorney, a community-based organization that is helping you, or any other address where you can safely and punctually receive mail. If an alternate or safe mailing address is not provided, USCIS may use the address of your attorney or preparer, if any. If your safe mailing address is not the same as the address where you currently reside, provide your U.S. physical address in Item Numbers 6.a. - 6.e.</p> <p>Item Numbers 5. - 6.e. Physical Address. Type or print your physical address in the spaces provided if it is different from your mailing address.</p> <p>[Page 16]</p> <p>Item Number 7. Alien Registration Number (A-Number) (if any). An Alien Registration Number, otherwise known as an “A-Number,” is typically issued to people who apply for, or are granted, certain immigration benefits. In addition to USCIS, ICE, U.S. Customs and Border Protection (CBP), EOIR, and the DOS may also issue an A-Number to certain foreign nationals. If you were issued an A-Number, type or print it in the spaces provided. If you are renewing your EAD, this number may be listed as the USCIS Number on the front of the card. If you</p>
--	--	---

	<p>[Page 12]</p> <p>4. Item Numbers 9.a. - 13.b. Questions regarding Social Security Number (SSN). Item Number 9.a. asks you if the Social Security Administration (SSA) has ever officially issued you a Social Security card. If the SSA ever issued a Social Security card to you in your name or a previously used name such as your maiden name, then you must enter the SSN from your card in Item Number 9.b.</p> <p>If your request for employment authorization is approved, the SSA may assign you an SSN and issue you a Social Security card, or issue you a replacement card. If you want the SSA to assign you a Social Security number and issue you a Social Security card, or issue you a new or replacement Social Security card, then answer “Yes” to both Item Number 10. and Item Number 11. You must also provide your father’s and mother’s family and given names at birth in Item Numbers</p>	<p>have more than one A-Number, use the space provided in Part 7. Additional Information to provide the information. If you do not have an A-Number or if you cannot remember it, leave this space blank.</p> <p>Item Number 8. USCIS Online Account Number (if any). If you have previously filed an application, petition, or request using the USCIS online filing system (previously called USCIS Electronic Immigration System (USCIS ELIS)), provide the USCIS Online Account Number you were issued by the system. You can find your USCIS Online Account Number by logging in to your account and going to the profile page. If you previously filed certain applications, petitions, or requests on a paper form through a USCIS Lockbox facility, you may have received a USCIS Online Account Access Notice issuing you a USCIS Online Account Number. You may find your USCIS Online Account Number at the top of the notice. If you were issued a USCIS Online Account Number, enter it in the space provided. The USCIS Online Account Number is not the same as an A-Number.</p> <p>Item Numbers 9.a. - 13.b. Questions regarding Social Security Number (SSN). Item Number 9.a. asks you if the Social Security Administration (SSA) has ever officially issued you a Social Security card. If the SSA ever issued a Social Security card to you in your name or a previously used name such as your maiden name, then you must enter the SSN from your card in Item Number 9.b.</p> <p>If your request for employment authorization is approved, the SSA may assign you an SSN and issue you a Social Security card, or issue you a replacement card. If you want the SSA to assign you a Social Security number and issue you a Social Security card, or issue you a new or replacement Social Security card, then answer “Yes” to both Item Number 10. and Item Number 11. You must also provide your father’s and mother’s family and given names at birth in Item Numbers 12.a. - 13.b. SSA will use Item Numbers</p>
--	--	---

	<p>12.a. - 13.b. SSA will use Item Numbers 12.a. - 13.b. in issuing you an SSN card.</p> <p>You are not required to request an SSN using this application. Completing Item Numbers 10. - 13.b. is optional. However, you must have an SSN properly assigned in your name to work in the United States.</p> <p>NOTE: If your employer uses E-Verify to confirm new employees' eligibility to legally work in the United States, the information you provide on Form I-9, Employment Eligibility Verification, will be compared to data in SSA and Department of Homeland Security (DHS) databases. Employees must have an SSN in order for E-Verify to confirm their eligibility to legally work in the United States.</p>	<p>12.a. -13.b. in issuing you a Social Security card.</p> <p>You are not required to request an SSN using this application. Completing Item Numbers 10. - 13.b. is optional. However, you must have an SSN properly assigned in your name to work in the United States.</p> <p>NOTE: If your employer uses E-Verify to confirm new employees' eligibility to legally work in the United States, the information you provide on Form I-9, Employment Eligibility Verification, will be compared to data in SSA and DHS databases. Employees must have an SSN in order for E-Verify to confirm their eligibility to legally work in the United States.</p> <p>Item Number 14.a. - 14.d. Country or Countries of Citizenship or Nationality. Type or print the name of the country or countries where you are currently a citizen or national.</p> <p>Item Numbers 15.a. - 15.c. Place of Birth. Enter the name of the city, town, or village; state or province; and country where you were born. Type or print the name of the country as it was named when you were born, even if the country's name has changed or the country no longer exists.</p> <p>1. If you are stateless, type or print the name of the country where you were last a citizen or national.</p> <p>2. If you are a citizen or national of more than one country, type or print the name of the foreign country that issued your last passport.</p> <p>Item Number 16. Date of Birth. Enter your date of birth in mm/dd/yyyy format in the space provided. For example, type or print October 5, 1967 as 10/05/1967.</p> <p>Item Number 17. Sex. Select the box that indicates whether you are male or female.</p> <p>Item Number 18. Marital Status. Select the box that describes the marital status you have on the date you file Form I-765.</p>
--	---	---

[Page 17]

Item Numbers 19. - 20.d. Previous Application for Employment Authorization from USCIS.

If you have applied for employment authorization in the past, select “Yes” and complete **Item Numbers 20.a. - 20.d.** Provide the receipt number of your most recently filed application for employment authorization application, the USCIS office where the application was adjudicated, the date when the application was adjudicated, and whether the application was approved or denied. Attach all documentation.

Item Numbers 21.a. - 21.e. Form I-94 Arrival-Departure Record.

If CBP or USCIS issued you a Form I-94, Arrival-Departure Record, provide your Form I-94 number and date that your authorized period of stay expires or expired (as shown on Form I-94). The Form I-94 number also is known as the Departure Number on some versions of Form I-94.

NOTE: If you were admitted to the United States by CBP at an airport or seaport after April 30, 2013, CBP may have issued you an electronic Form I-94 instead of a paper Form I-94. You may visit the CBP website at www.cbp.gov/i94 to obtain a paper version of an electronic Form I-94. CBP **does not** charge a fee for this service. Some travelers admitted to the United States at a land border, airport, or seaport, after April 30, 2013, with a passport or travel document, who were issued a paper Form I-94 by CBP, may also be able to obtain a replacement Form I-94 from the CBP website without charge. If your Form I-94 cannot be obtained from the CBP website, it may be obtained by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Record, with USCIS. USCIS **does** charge a fee for this service.

Passport and Travel Document

Numbers. If you used a passport or travel document to travel to the United States, enter either the passport or travel document

		<p>information in the appropriate space on the application, even if the passport or travel document is currently expired.</p> <p>Item Number 22. Date of Your Last Arrival Into the United States. Provide the date on which you last entered the United States in mm/dd/yyyy format.</p> <p>Item Number 23. Place of Your Last Arrival Into the United States. Provide the location where you last entered the United States.</p> <p>Item Number 24. Immigration Status at Your Last Arrival. Provide the letter and number that correlates with your status when you last entered the United States. For example, if you last entered the United States as a temporary visitor for business, B-1, enter the code B-1 in the space provided.</p> <p>Item Number 25. Current Immigration Status or Category. Provide your current immigration status. For example, if your current status is student academic, F-1, enter the code F-1 in the space provided.</p> <p>Item Number 26. Student and Exchange Visitor Information System (SEVIS) Number (if any). If you were issued a SEVIS number, enter it in the space provided.</p> <p>Item Number 27. Eligibility Category. Refer to the list of the eligibility categories in the Who May File Form I-765 section of these Instructions. Find your eligibility category, and enter it in the space provided.</p> <p>Item Numbers 28.a. - 28.c. (c)(3)(C) Eligibility Category. If you entered eligibility category (c)(3)(C) in Item Number 27., provide your degree, your employer's name as listed in E-Verify, your employer's E-Verify Company Identification Number or a valid E-Verify Client Company Identification Number in the spaces provided.</p> <p>Item Number 29. (c)(26) Eligibility Category. If you entered eligibility category (c)(26) in Item Number 27., provide the receipt number of your</p>
--	--	---

		<p>spouse's most recent Form I-797 Notice for Form I-129, Petition for a Nonimmigrant Worker in the space provided.</p> <p>Item Number 30. (c)(8) Eligibility Category. If you entered the eligibility category (c)(8) in Item Number 27., provide an answer to the question "Have you have EVER been arrested for and/or convicted of any crime?" If you answered "Yes" to Item Number 30., refer to Special Filing Instructions for Those With Pending Asylum Applications (c)(8) in the Who May File Form I-765 section of the Instructions for information about providing court dispositions.</p> <p>[Page 18]</p> <p>Item Number 31.a. - 31.b. (c)(35) and (c)(36) Eligibility Category. If you entered the eligibility category (c)(35) or (c)(36) in Item Number 27., please provide the receipt number of your Form I-797 Notice for Form I-140 or the receipt number of your spouse's or parent's Form I-797 Notice for Form I-140. Provide an answer to the question "Have you ever been arrested for and/or convicted of any crime. NOTE: If you answered "Yes" to Item Number 31.b., refer to Employment-Based Nonimmigrant Categories, Items 8. - 9. in the Who May File Form I-765 section of the Instructions for information about providing court dispositions.</p> <p>Part 3. Biographic Information</p> <p>Provide the biographic information requested in Part 3., Item Numbers 1. - 6. Providing this information as part of your application may reduce the time you spend at your USCIS ASC appointment as described in the Biometric Services Appointment section of these Instructions.</p> <p>Item Numbers 1. - 2. Ethnicity and Race. Select the boxes that best describe your ethnicity and race.</p> <p>Categories and Definitions for Ethnicity and Race</p>
--	--	--

		<p>1. Hispanic or Latino. A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. (NOTE: This category is only included under Ethnicity in Part 3., Item Number 1.)</p> <p>2. White. A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.</p> <p>3. Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.</p> <p>4. Black or African American. A person having origins in any of the black racial groups of Africa.</p> <p>5. American Indian or Alaska Native. A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.</p> <p>6. Native Hawaiian or Other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.</p> <p>Item Number 3. Height. Select the values that best match your height in feet and inches. For example, if you are five feet and nine inches, select “5” for feet and “09” for inches. Do not enter your height in meters or centimeters.</p> <p>Item Number 4. Weight. Enter your weight in pounds. If you do not know your weight, or need to enter a weight under 30 pounds or over 699 pounds, enter “000.” Do not enter your weight in kilograms.</p> <p>Item Number 5. Eye Color. Select the box that best describes the color of your eyes.</p> <p>Item Number 6. Hair Color. Select the box that best describes the color of your hair.</p>
--	--	---

		<p>Part 4. Applicant’s Statement, Contact Information, Declaration, Certification, and Signature</p> <p>Item Numbers 1.a. - 7.b. Select the appropriate box to indicate whether you read this application yourself or whether you had an interpreter assist you. If someone assisted you in completing the application, select the box indicating that you used a preparer. Further, you must sign and date your application and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). Every application MUST contain the signature of the applicant (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.</p> <p>[Page 19]</p> <p>Part 5. Interpreter’s Contact Information, Certification, and Signature</p> <p>Item Numbers 1.a. - 7.b. If you used anyone as an interpreter to read the Instructions and questions on this application to you in a language in which you are fluent, the interpreter must fill out this section, provide his or her name, the name and address of his or her business or organization (if any), his or her daytime telephone number, his or her mobile telephone number (if any), and his or her email address (if any). The interpreter must sign and date the application.</p> <p>Part 6. Contact Information, Declaration, and Signature of the Person Preparing this Application, if Other Than the Applicant</p> <p>Item Numbers 1.a. - 8.b. This section must contain the signature of the person who completed your application, if other than you, the applicant. If the same individual acted as your interpreter and your preparer, that person should complete both Part 5. and Part 6. If the person who completed this application is associated with a business or organization, that person</p>
--	--	---

	<p>should complete the business or organization name and address information. Anyone who helped you complete this application MUST sign and date the application. A stamped or typewritten name in place of a signature is not acceptable. If the person who helped you prepare your application is an attorney or accredited representative, he or she may also need to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with your application.</p> <p>Part 7. Additional Information</p> <p>Item Numbers 1.a - 7.d. If you need extra space to provide any additional information within this application, use the space provided in Part 7. Additional Information. If you need more space than what is provided in Part 7., you may make copies of Part 7. to complete and file with your application, or attach a separate sheet of paper. Type or print your name and A-Number (if any) at the top of each sheet; indicate the Page Number, Part Number, and Item Number to which your answer refers; and sign and date each sheet.</p>
	<p>[Page 13]</p> <p>We recommend that you print or save a copy of your completed application to review in the future and for your records.</p>
	<p>We recommend that you print or save a copy of your completed application to review in the future and for your records. We recommend that you review your copy of your completed application before you go to your biometric services appointment at a USCIS ASC (if applicable). At your appointment, USCIS will permit you to complete the application process only if you are able to confirm, under penalty of perjury, that all of the information in your application is complete, true, and correct. If you are not able to make that attestation in good faith at that time, USCIS will require you to return for another appointment.</p>
Page 13-15, Required Documentation	<p>[Page 13]</p> <p>Required Documentation</p>
	<p>[Page 19]</p> <p>Required Documentation</p> <p>You must submit all evidence requested in these Instructions with your application. If</p>

	<p>you fail to submit required evidence, USCIS may reject or deny your application for failure to submit requested evidence or supporting documents in accordance with 8 CFR 103.2(b)(1) and these Instructions.</p> <p>All applications must be filed with the documents required below in addition to the particular evidence required for the category listed in the Who May File Form I-765 section, along with fee, if required.</p> <p>If you are required to show economic necessity for your category, submit a list of your assets, income, and expenses. Provide this financial information on Form I-765WS, Form I-765 Worksheet. If you would like to provide an explanation, complete Part 3., Explanation, of the worksheet.</p> <p>Assemble the documents in the following order:</p> <ol style="list-style-type: none"> 1. Your application with the filing fee. See the What Is the Filing Fee section for details. 2. If you are mailing your application to USCIS, you must also submit: <ol style="list-style-type: none"> A. A copy of Form I-94, Arrival-Departure Record (front and back), if available. If you are filing Form I-765 under the (c)(9) category, Form I-94 is not required. B. A copy of your last EAD (front and back). If no prior EAD has been issued, you must submit a copy of a government-issued identity document, such as a passport showing your picture, name, and date of birth; a birth certificate with photo ID; a visa issued by a foreign consulate; or a national ID document with photo and/ or fingerprint. The identity document photocopy must clearly show the facial 	<p>You must file all applications with the documents required below, the particular evidence required for each category listed in the Who May File Form I-765 section of these Instructions, and the appropriate filing fee, if required.</p> <p>If you are required to show economic necessity for your category, submit a list of your assets, income, and expenses. Provide this financial information on Form I-765WS, Form I-765 Worksheet. If you would like to provide an explanation, complete Part 3. Explanation of the worksheet.</p> <p>Assemble the documents in the following order:</p> <ol style="list-style-type: none"> 1. Your properly signed application. 2. The appropriate filing fee, if applicable. See the What Is the Filing Fee section of these Instructions for details. <p>[Page 20]</p> <ol style="list-style-type: none"> 3. If you are mailing your application to USCIS, you must also submit: <ol style="list-style-type: none"> A. A copy of at least one of the following documents: Form I-94, Arrival-Departure Record (front and back), passport, or other travel document. If you are filing Form I-765 under the (c)(9) category, copies of any of the above are not required. B. A copy of your last EAD (front and back). If you were not previously issued an EAD, you must submit a copy of a government-issued identity document (such as a passport) showing your picture, name, and date of birth; a birth certificate with photo ID; a visa issued by a foreign consulate; or a national ID document with photo and/or fingerprint. The identity document photocopy must clearly show
--	--	--

	<p>features of the applicant and the biographical information. If you are filing under the (c)(33) category, additional documentation beyond what you submit under Item 3., What Documents Do You Need to Provide to Prove Identity, of the filing instructions for Form I-821D, Consideration of Deferred Action for Childhood Arrivals, is not required.</p> <p>C. You must submit two identical color photographs of yourself taken within 30 days of filing your application. The photos must have a white to off-white background, be printed on thin paper with a glossy finish, and be unmounted and unretouched.</p> <p>The passport-style photos must be 2” by 2”. The photos must be in color with full face, frontal view on a white to off-white background. Head height should measure 1” to 1 3/8” from top to bottom of chin, and eye height is between 1 1/8” to 1 3/8” from bottom of photo. Your head must be bare unless you are wearing headwear as required by a religious order of which you are a member. Using pencil or felt pen, lightly print your name and Alien Receipt Number on the back of the photo.</p> <p>Special Filing Instructions for Those With Pending Asylum Applications ((c)(8))</p> <p>Asylum Applicant (with a pending asylum application) who filed for asylum on or after January 4, 1995. You must wait at least 150 days following the filing of your asylum claim before you are eligible to apply for an EAD.</p> <p>Any delay in processing the asylum application that is caused by you, including unexcused failure to appear for fingerprinting and other biometrics capture, will not be counted as part of that 150 days. If you fail to appear for your asylum interview or for a hearing before an immigration judge, you will be ineligible for an EAD. If you have received a</p>	<p>your facial features and contain your biographical information.</p> <p>NOTE: If you are filing under the (c)(33) category, you are not required to submit additional documentation beyond what you submit with Form I-821D under the Part 3. What Documents Do You Need to Provide to Prove Identity section of the filing instructions for Form I-821D.</p> <p>C. Photographs</p> <p>You must submit two identical color passport-style photographs of yourself taken within 30 days of filing this application. The photos must have a white to off-white background, be printed on thin paper with a glossy finish, and be unmounted and unretouched.</p> <p>The two identical passport-style photos must be 2 by 2 inches. The photos must be in color with full face, frontal view on a white to off-white background. Head height should measure 1 to 1 3/8 inches from top of hair to bottom of chin, and eye height is between 1 1/8 to 1 3/8 inches from bottom of photo. Your head must be bare unless you are wearing headwear as required by a religious denomination of which you are a member. Using pencil or felt pen, lightly print your name and A-Number (if any) on the back of the photo.</p> <p>Special Filing Instructions for Those With Pending Asylum Applications-- (c)(8)</p> <p>You are subject to a 150-day waiting period before you can apply for an EAD, and an additional 30-day period before we can issue you an EAD, for a total of 180 days. The number of days a completed asylum application is considered pending does not include any delays requested or caused by you while your application is pending with the USCIS asylum office or with an EOIR IJ. (See 8 CFR 208.7.) This time period during which your asylum application is pending before we may grant you an EAD is called the “180-day asylum EAD clock.” We may reject your Form I-765 if you file it before the 150-day waiting period has elapsed. Some examples of delays that</p>
--	---	--

	<p>recommended approval for a grant of asylum, you do not need to wait the 150 days and may apply for an EAD immediately upon receipt of your recommended approval. If you file Form I-765 early, it will be denied. File Form I-765 with:</p> <ol style="list-style-type: none"> 1. A copy of the USCIS acknowledgement mailer which was mailed to you; 2. Other evidence that your Form I-589 was filed with USCIS; 	<p>may be caused by you while your application is pending with the USCIS Asylum Office include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Failure to appear at your interview or fingerprint appointment; 2. Failure to receive and acknowledge your asylum decision in person (if required); 3. A request to reschedule your interview for a later date; 4. A request to transfer your case to a new asylum office or interview location, including when the transfer is based on a new address; 5. A request to provide additional evidence after your interview; and 6. Failure to provide a competent interpreter at your interview. <p>Additionally, if you fail to appear for your interview with a USCIS asylum office or for a hearing before an EOIR II, you may be ineligible for an EAD.</p> <p>If you have received a Recommended Approval notice from the USCIS asylum office recommending a grant of asylum, you do not need to wait 150 days and may apply for an EAD immediately upon receipt of this notice. Provide a copy of your notice as evidence of your recommended approval with your Form I-765.</p> <p>[Page 21]</p> <p>If you are a category (c)(8) applicant who has met the requisite 150-day waiting period to file Form I-765, not including delays caused or requested by you, file your Form I-765 with the following evidence, where applicable:</p> <ol style="list-style-type: none"> 1. If you filed your Form I-589 with USCIS, a copy of the following: the USCIS Acknowledgement of Receipt that was mailed to you and your USCIS Asylum Interview Notice (scheduling, re-
--	---	---

	<p>[Page 14]</p> <p>3. Evidence that your Form I-589 was filed with an Immigration Judge at the Executive Office for Immigration Review (EOIR); or</p> <p>4. Evidence that your asylum application remains under administrative or judicial review.</p>	<p>scheduling, or cancelling your asylum interview); your Form I-797C Notice (ASC appointment notice) (for a biometrics appointment for your Form I-589); or other evidence that you filed your Form I-589 with USCIS.</p> <p>2. If you filed your Form I-589 with an EOIR IJ during immigration proceedings, a date-stamped copy of your Form I-589.</p> <p>3. If you have “lodged” your Form I-589 at the EOIR court clerk’s window, before filing it with an EOIR IJ, a date- stamped copy of your “lodged” Form I-589.</p> <p>4. If an EOIR IJ has denied your asylum and withholding of removal relief, but you met the requisite 180-day waiting period prior to the EOIR IJ’s decision in your case, evidence that you:</p> <p>A. Timely appealed the EOIR IJ’s decision on your Form I-589 to the BIA and the appeal remains pending; and</p> <p>B. If applicable, evidence that you timely appealed the BIA decision on your Form I-589 to a U.S. Court of Appeals and that decision remains pending.</p> <p>5. If your Form I-589 has been remanded to an EOIR IJ for further adjudication of your underlying asylum claim:</p> <p>A. A copy of the BIA decision and order remanding your case to the EOIR IJ; and</p> <p>B. Evidence that your asylum claim remains under review by the EOIR IJ.</p> <p>6. Proof of Arrests and Conviction. For initial and renewal applications, you must submit proof of any arrests and/or convictions. If you have been convicted of an aggravated felony, you cannot be granted employment authorization under this eligibility category. USCIS will make the determination as to whether your convictions meet the definition of aggravated felony. You must, however, provide information and any supporting documentation on all crimes which you</p>
--	--	---

	<p>Asylum applicant (with a pending asylum application) who filed for asylum and for withholding of deportation prior to January 4, 1995, and is <i>NOT</i> in exclusion or deportation proceedings.</p> <p>You may file Form I-765 at any time; however, it will only be granted if USCIS finds that your asylum application is not frivolous. File Form I-765 with:</p> <ol style="list-style-type: none"> 1. A complete copy of your previously filed Form I-589; 2. A copy of your USCIS receipt notice; 3. A copy of the USCIS acknowledgement mailer; 4. Evidence that your Form I-589 was filed with EOIR; or 5. Evidence that your asylum application remains under administrative or judicial 	<p>were convicted of so USCIS can make an appropriate decision. Provide a certified copy of all arrest reports, court dispositions, sentencing documents, and any other relevant documents.</p> <p>NOTE: USCIS may, in its discretion, deny your application if you have been arrested and/or convicted of any crime.</p> <p>Asylum and Withholding of Deportation Applicants (with a pending Form I-589) who filed before January 4, 1995.</p> <p>You may file Form I-765 at any time; however, we will only grant your employment authorization if we find that your asylum application is not frivolous. File Form I-765 with a copy of the following documents, where applicable:</p> <ol style="list-style-type: none"> 1. Your date-stamped previously filed Form I-589; [Deleted] 2. If you filed your Form I-589 with the former Immigration and Naturalization Service (INS), an INS Acknowledgement of Receipt; 3. A USCIS Asylum Interview Notice (scheduling, re-scheduling, or cancelling your asylum interview); 4. Form I-797 Notice, Fingerprint Notification (for a fingerprint appointment for your Form I-589); 5. If you filed your Form I-589 in exclusion or deportation proceedings, evidence that your Form I-589 was filed with EOIR; 6. If you are currently in exclusion or deportation proceedings, a copy of Form I-221, Order to Show Cause and Notice of Hearing, or Form I-122, Notice to Applicant for Admission Detained for Hearing Before Immigration Judge; or 7. Evidence that your Form I-589 remains under administrative or judicial review.
--	---	---

	<p>review.</p> <p>Asylum applicant (with a pending asylum application) who filed an initial request for asylum prior to January 4, 1995, and is IN exclusion or deportation proceedings. If you filed your Request for Asylum and Withholding of Deportation (Form I-589) prior to January 4, 1995, and you are IN exclusion or deportation proceedings, file your EAD application with:</p> <ol style="list-style-type: none"> 1. A date-stamped copy of your previously filed Form I-589; 2. A copy of Form I-221, Order to Show Cause and Notice of Hearing, or Form I-122, Notice to Applicant for Admission Detained for Hearing Before Immigration Judge; 3. A copy of EOIR-26, Notice of Appeal, date stamped by the Office of the Immigration Judge; 4. A date-stamped copy of a petition for judicial review or for <i>habeas corpus</i> issued to the asylum applicant; or 5. Other evidence that you filed an asylum application with EOIR. <p>Asylum application under the ABC Settlement Agreement--(c)(8). If you are a Salvadoran or Guatemalan national eligible for benefits under the ABC settlement agreement, <i>American Baptist Churches v. Thornburgh</i>, 760 F. Supp. 976 (N.D. Cal. 1991), follow the instructions contained in this section when filing your Form I-765.</p> <p>You must have an asylum application (Form I-589) on file either with USCIS or with an Immigration Judge in order to receive work authorization. Therefore, submit evidence that you have previously filed an asylum application when you submit Form I-765. You are not required to submit this evidence when you apply, but it will help USCIS process your request</p>	<p>[Deleted]</p> <p>[Page 22]</p> <p>Asylum application under the ABC Settlement Agreement--(c)(8). If you are a Salvadoran or Guatemalan national eligible for benefits under the ABC settlement agreement, <i>American Baptist Churches v. Thornburgh</i>, 760 F. Supp. 976 (N.D. Cal. 1991), you are entitled to an EAD under the ABC settlement agreement. Follow the instructions contained in this section when filing your Form I-765.</p> <p>You must have filed your asylum application (Form I-589) with us (INS or USCIS) or with an EOIR IJ to receive an EAD. Therefore, submit evidence that you have previously filed a complete asylum application when you submit Form I-765. You are not required to submit this evidence when you apply, but it will help us process your request more efficiently.</p>
--	--	--

	<p>efficiently.</p> <p>If you are renewing or replacing your EAD, you must pay the filing fee. Mark your application as follows:</p> <ol style="list-style-type: none"> 1. Type or print “ABC” in the top right corner of your EAD application. You must identify yourself as an ABC class member if you are applying for an EAD under the ABC settlement agreement. 2. Type or print “(c)(8)” in Item Number 20. of the application. <p>You are entitled to an EAD without regard to the merits of your asylum claim. Your application for an EAD will be decided within 60 days if: (1) you pay the filing fee, (2) you have a complete pending asylum application on file, and (3) you type or print “ABC” in the top right corner of your EAD application. If you do not pay the filing fee for an initial EAD request, your request may be denied if USCIS finds that your asylum application is frivolous. However, if you cannot pay the filing fee for an EAD, you may qualify for a fee waiver under 8 CFR 103.7(c).</p> <p>[Page 15]</p> <p>Special Filing Instructions for Spouses of E-2 CNMI Investors ((c)(12)).</p> <p>Spouses of certain principal E-2 CNMI Investors (E-2C) are eligible to seek employment in the CNMI. An EAD issued under this category is only valid for employment in the Commonwealth of Northern Mariana Islands (the CNMI).</p> <p>To determine if you are eligible for an EAD under this section, you must determine what type of investor certificate was issued by the CNMI to your spouse, the principal E-2 CNMI Investor. If your spouse was issued either a Long-Term Business Certificate or Foreign Investment</p>	<p>If you are requesting a renewal or replacement EAD, you must pay the filing fee. Mark your application as follows:</p> <ol style="list-style-type: none"> 1. Type or print “ABC” in the top right corner of your EAD application. You must identify yourself as an ABC class member if you are applying for an EAD under the ABC settlement agreement. 2. Type or print “(c)(8)” in Item Number 27. of the application. 3. Select the box in Part 4., Item Number 6. of this application. <p>You are entitled to an EAD without regard to the merits of your asylum claim.</p> <p>Your Form I-765 will be decided within 60 days if:</p> <ol style="list-style-type: none"> 1. You pay the filing fee; 2. You have a complete pending asylum application on file; and 3. You correctly mark your application as described above. You must pay the filing fee for an initial EAD request. If you cannot pay the filing fee for an EAD, you may apply for a fee waiver under 8 CFR 103.7(c). <p>Special Filing Instructions for Spouses of E-2 CNMI Investors--(c)(12)</p> <p>Spouses of certain principal E-2 CNMI investors (E-2C) are eligible to seek employment in the CNMI. An EAD issued under this category is only valid for employment in the CNMI.</p> <p>To determine if you are eligible for an EAD under this section, you must determine what type of investor certificate was issued by the CNMI to your spouse, the principal E-2 CNMI investor. If your spouse was issued either a Long-Term Business Certificate or Foreign Investment</p>
--	---	---

	<p>Certificate, you may be eligible for an EAD under this category. If your spouse, the principal E-2 CNMI Investor, was issued a Foreign Retiree Investment Certification, you are not eligible to receive an EAD under this category.</p> <p>File Form I-765 with:</p> <ol style="list-style-type: none"> 1. Documentation, such as a marriage certificate establishing a legal marriage between you and the principal E-2C. Additionally, documentation such as divorce or death certificates establishing the termination of any prior marriages of you and your spouse. 2. Documentation establishing that you reside in the Commonwealth of the Northern Mariana Islands. 4. Evidence that your spouse has obtained E-2C status. 3. Documentation establishing that you have obtained E-2C status as a dependent. 5. A copy of your spouse's CNMI issued Long-Term Business Certificate or Foreign Investment Certificate. 	<p>Certificate, you may be eligible for an EAD under this category. If your spouse was issued a Foreign Retiree Investment Certification, you are not eligible to receive an EAD under this category.</p> <p>File Form I-765 with:</p> <ol style="list-style-type: none"> 1. Documentation (such as a marriage certificate) establishing a legal marriage; 2. Documentation (such as divorce or death certificates) establishing the termination of any prior marriages of you and your spouse (if applicable); 3. Documentation establishing that you reside in the CNMI; 4. Documentation establishing that your spouse has obtained E-2C status; 5. Documentation establishing that you have obtained E-2C status as a dependent; and 6. A copy of your spouse's CNMI issued Long-Term Business Certificate or Foreign Investment Certificate.
<p>Page 15-17, What Is the Filing Fee?</p>	<p>[Page 15]</p> <p>What Is the Filing Fee?</p> <p>The filing fee for Form I-765 is \$410.</p>	<p>[Page 22]</p> <p>What Is the Filing Fee?</p> <p>The filing fee for Form I-765 is \$410.</p> <p>NOTE: The filing fee is not refundable, regardless of any action USCIS takes on this application. DO NOT MAIL CASH. You must submit all fees in the exact amounts.</p> <p>[Page 23]</p> <p>Special Instructions for TPS Applicants. If you are requesting an EAD as an initial TPS applicant, you must pay the Form I-765 filing fee, unless you are under 14 years of age or over 65 years of age. If you are a TPS beneficiary requesting an EAD when filing for TPS re-registration, you</p>

	<p>Special Instructions for Childhood Arrivals ((c)(33)). All requestors under this category must submit biometrics. The biometrics services fee of \$85 is required for all requestors. <i>The biometrics services fee and the filing fee for this form cannot be waived.</i></p> <p>[Page 17]</p> <p>Biometrics Services Fee for Beneficiaries of an Approved Employment-Based Immigrant Petition--(c)(35) and Spouses or Children of a Principal Beneficiary of an Approved Immigrant Petition--(c)(36). All applicants under these categories must submit biometrics. An additional biometric services fee of \$85 is required for applicants 14 to 79 years of age, unless waived.</p> <p>[Page 15]</p> <p>Exceptions:</p> <p>Initial EAD. If this is your initial application and you are applying under one of the following categories, a filing fee is not required:</p> <ol style="list-style-type: none"> 1. (a)(3) Refugee; 2. (a)(4) Paroled as Refugee; 3. (a)(5) Asylee; 4. (a)(7) N-8 or N-9 nonimmigrant; 5. (a)(8) Citizen of Micronesia, Marshall Islands, or Palau; 6. (a)(10) Granted Withholding of Deportation; 7. (a)(16) Victim of Severe Form of Trafficking (T-1); 	<p>must pay the Form I-765 filing fee, regardless of your age.</p> <p>Special Instructions for Deferred Action for Childhood Arrivals--(c)(33). All requestors under this category must pay the biometric services fee of \$85. The biometric services fee and the filing fee for this application cannot be waived.</p> <p>Special Instructions for Beneficiaries of an Approved Employment-Based Immigrant Petition--(c)(35) and Spouses or Children of a Principal Beneficiary of an Approved Immigrant Petition--(c)(36). All applicants under these categories must submit biometrics. An additional biometric services fee of \$85 is required for applicants 14 to 79 years of age, unless waived.</p> <p>Exceptions</p> <p>Initial EAD. If this is your initial application and you are applying under one of the following categories, a filing fee is not required:</p> <ol style="list-style-type: none"> 1. (a)(3) Refugee; 2. (a)(4) Paroled as Refugee; 3. (a)(5) Asylee; 4. (a)(7) N-8 or N-9 nonimmigrant; 5. (a)(8) Citizen of Micronesia, Marshall Islands, or Palau; 6. (a)(10) Granted Withholding of Deportation; 7. (a)(16) Victim of Severe Form of Trafficking (T-1 Nonimmigrant); 8. (a)(12) or (c)(19) Temporary Protected
--	--	--

	<p>8. (a)(19) U-1 Nonimmigrant;</p> <p>9. (c)(1), (c)(4), or (c)(7) Dependent of certain foreign government, international organization, or NATO personnel;</p> <p>10. (c)(8) Applicant for Asylum (an applicant filing under the special ABC procedures must pay the fee); or</p> <p>11. (c)(31) VAWA Self-Petitioner.</p> <p>[Page 16]</p> <p>Renewal EAD. If this is a renewal application and you are applying under one of the following categories, a filing fee is not required:</p> <p>1. (a)(8) Citizen of Micronesia, Marshall Islands, or Palau;</p> <p>2. (a)(10) Granted Withholding of Deportation;</p>	<p>Status if you are filing an initial TPS application and you are under age 14 or over age 65. All applicants for TPS re-registration who want an EAD must pay the fee, unless granted a fee waiver;</p> <p>9. (a)(19) Victim of Qualifying Criminal Activity (U-1 Nonimmigrant);</p> <p>10. (c)(1), (c)(4), or (c)(7) Dependent of certain foreign government, international organization, or NATO personnel;</p> <p>11. Applicant for Asylum and Withholding of Deportation and Removal (an applicant filing under the special ABC procedures must pay the fee);</p> <p>12. Any current Adjustment of Status or Registry applicant who filed Form I-485 on or after July 30, 2007, and paid the appropriate Form I-485 filing fee. If you file Form I-765 separately from your Form I-485, you must also submit a copy of your Form I-797C receipt for Form I-485, as evidence of filing Form I-485 on or after July 30, 2007, and payment of the appropriate filing fee. If you did not pay the appropriate Form I-485 fee because your fee was waived or you are exempt from paying it, you must pay the Form I-765 filing fee or request that the filing fee be waived;</p> <p>13. (c)(31) VAWA Self-Petitioner.</p> <p>Renewal EAD. If this is a renewal application and you are applying under one of the following categories, a filing fee is not required:</p> <p>1. (a)(8) Citizen of Micronesia, Marshall Islands, or Palau;</p> <p>2. (a)(10) Granted Withholding of Deportation;</p> <p>[Page 24]</p>
--	--	---

	<p>3. (c)(1), (c)(4), or (c)(7) Dependent of certain foreign government, international organization, or NATO personnel; or</p> <p>4. (c)(9) or (c)(16) Adjustment applicant who applied after July 30, 2007.</p> <p>Replacement EAD. If this is your replacement application, and you are applying under one of the following categories, a filing fee is not required:</p> <p>1. (c)(1), (c)(4), or (c)(7) Dependent of certain foreign government, international organization, or NATO personnel.</p> <p>NOTE: If you are requesting a replacement EAD under the (c)(9) or (c)(16) Adjustment applicant who applied after July 30, 2007 category, then the full filing fee will be required; however, no biometrics fee is required.</p> <p>Card Error:</p> <p>1. If the card issued to you contains incorrect information that is not attributed to USCIS error, a new Form I-765 and filing fee are required. Form I-765 must be accompanied by the card containing the error.</p>	<p>3. (c)(1), (c)(4), or (c)(7) Dependent of certain foreign government, international organization, or NATO personnel;</p> <p>4. Any current Adjustment of Status or Registry applicant who filed for adjustment of status on or after July 30, 2007, and paid the appropriate Form I-485 filing fee of \$930 or \$985 (\$600 or \$635 for an accompanying minor). If you file Form I-765 separately from your Form I-485, you must also submit a copy of your Form I-797C receipt for Form I-485, as evidence of filing Form I-485 on or after July 30, 2007, and payment of the appropriate form filing fee of \$930 or \$985 (\$600 or \$635 for an accompanying minor). If you did not pay the appropriate Form I-485 fee because your fee was waived or you are exempt from paying it, you must pay the Form I-765 filing fee or request that the filing fee be waived;</p> <p>Replacement for Lost, Stolen, or Damaged EAD. If you are requesting a replacement EAD because your previously issued card was lost, stolen, or damaged, but has not expired, you must pay the filing fee unless you have filed for adjustment of status on or after July 30, 2007 and paid the Form I-485 filing fee. If you did not pay the Form I-485 fee because your fee was waived or you are exempt from paying it, you must pay the Form I-765 filing fee or request that the filing fee be waived.</p> <p>Replacement for Card Error.</p> <p>1. If the card we issued to you contains incorrect information that is not attributed to our error, you must submit a new Form I-765 and filing fee, unless you are have a pending Form I-485 and paid the Form I-485 filing fee. If you did not pay the appropriate Form I-485 fee because your fee was waived or you are exempt from paying it, you must pay the Form I-765 filing fee or request that the filing fee be waived. You must include the card containing the error when you submit the new Form I-765.</p>
--	--	--

	<p>2. If the card issued to you contains incorrect information that is attributed to a USCIS error, a new Form I-765 and filing fee are not required. Instead, you must submit a letter, accompanied by the card containing the error to the Service Center or National Benefit Center that approved your last employment authorization request.</p> <p>You may be eligible for a fee waiver under 8 CFR 103.7(c) if you are filing for an EAD related to your application or grant of TPS.</p> <p>Use the following guidelines when you prepare your check or money order for the Form I-765 fee:</p> <ol style="list-style-type: none"> 1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and 2. Make the check or money order payable to U.S. Department of Homeland Security. <p>NOTE: Spell out U.S. Department of Homeland Security; do not use the initials “USDHS” or “DHS.”</p> <p>NOTE: If you filed Form I-485, Application to Register Permanent Residence or Adjust Status, as of July 30, 2007, <i>and you paid the Form I-485 filing fee</i>, no fee is required to also file a request for employment authorization on Form I-765. You may file the Form I-765 with your Form I-485, or you may submit the Form I-765 at a later date. If you file Form I-765 separately, you must also submit a copy of your Form I-797C, Notice of Action, receipt as evidence of the filing of Form I-485 as of July 30, 2007.</p> <p>Notice to Those Making Payment by Check. If you send us a check, it will be</p>	<p>2. If the card we issued to you contains incorrect information that is attributed to our error, you do not need to file a new Form I-765 and filing fee. Instead, you must submit a letter, accompanied by the card containing the error to the service center or National Benefits Center that approved your last Form I-765.</p> <p>[Deleted]</p> <p>Use the following guidelines when you prepare your check or money order for the Form I-765 filing fee:</p> <ol style="list-style-type: none"> 1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and 2. Make the check or money order payable to U.S. Department of Homeland Security. <p>NOTE: Spell out U.S. Department of Homeland Security; do not use the initials “USDHS” or “DHS.”</p> <p>NOTE: If you filed Form I-485 on or after July 30, 2007, and you paid the appropriate Form I-485 filing fee, no filing fee is required to request employment authorization on Form I-765. You may file Form I-765 with Form I-485, or you may submit Form I-765 at a later date. If you file Form I-765 separately, you must also submit a copy of your Form I-797 Notice as evidence of filing Form I-485 on or after July 30, 2007 and paying the fee.</p> <p>If you did not pay the appropriate Form I-485 filing fee because your filing fee was waived or you are exempt from paying it, you must pay the Form I-765 filing fee or request that the filing fee be waived.</p> <p>Notice to Those Paying by Check. If you send USCIS a check, we will convert it into</p>
--	--	--

	<p>converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and your bank will show it on your regular account statement.</p> <p>You will not receive your original check back. We will destroy your original check, but will keep a copy of it. If USCIS cannot process the EFT for technical reasons, you authorize us to process the copy in place of your original check. If your check is returned as unpayable, USCIS will re-submit the payment to the financial institution one time. If the check is returned as unpayable a second time, we will reject your application and charge you a returned check fee.</p> <p>How to Check If the Fees Are Correct</p> <p>Form I-765's filing fee is current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify that the fees are correct by following one of the steps below:</p> <p>[Page 17]</p> <ol style="list-style-type: none"> 1. Visit our website at www.uscis.gov, select "FORMS" and check the appropriate fee; or 2. Call the USCIS National Customer Service Center at 1-800-375-5283 and ask for fee information. For TTY (deaf or hard of hearing) call: 1-800-767-1833. <p>Fee Waiver</p> <p>You may be eligible for a fee waiver under 8 CFR 103.7(c), including if you are a TPS applicant. If you believe you are eligible for a fee waiver, complete Form I-912,</p>	<p>an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and your bank will show it on your regular account statement.</p> <p>You will not receive your original check back. We will destroy your original check, but will keep a copy of it. If USCIS cannot process the EFT for technical reasons, you authorize us to process the copy in place of your original check. If your check is returned as unpayable, we will re-submit the payment to the financial institution one time. If the check is returned as unpayable a second time, we will reject your application and charge you a returned check fee.</p> <p>[Page 25]</p> <p>How To Check If the Fees Are Correct</p> <p>Form I-765's filing fee is current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify that the fee is correct by following one of the steps below.</p> <ol style="list-style-type: none"> 1. Visit the USCIS website at www.uscis.gov, select "FORMS," and check the appropriate fee; or 2. Call the USCIS National Customer Service Center at 1-800-375-5283 and ask for fee information. For TTY (deaf or hard of hearing) call: 1-800-767-1833. <p>Fee Waiver</p> <p>You may be eligible for a fee waiver under 8 CFR 103.7(c). If you believe you are eligible for a fee waiver, complete Form I-912, Request for Fee Waiver (or a written</p>
--	---	--

	Request for Fee Waiver (or a written request), and submit it and any required evidence of your inability to pay the filing fee with this application. You can review the fee waiver guidance at www.uscis.gov/feewaiver .	request) and submit it and any required evidence of your inability to pay the filing fee with this application. You can review the fee waiver guidance at www.uscis.gov/feewaiver .
Page 17, Where to File?	<p>[Page 17]</p> <p>Where to File?</p> <p>Please visit the USCIS website at www.uscis.gov/I-765 or contact the USCIS National Customer Service Center at 1-800-375-5283 for the most current information about where to file this benefit request. For TTY (deaf or hard of hearing) call: 1-800-767-1833.</p>	<p>[Page 25]</p> <p>Where to File?</p> <p>Please see our website at www.uscis.gov/I-765 or call our National Customer Service Center at 1-800-375-5283 for the most current information about where to file this application. For TTY (deaf or hard of hearing) call: 1-800-767-1833.</p> <p>If you are requesting an EAD as an initial TPS applicant or a TPS beneficiary, see the Form I-821 Instructions and the most recent Federal Register notice regarding a TPS designation, re-designation, or extension for your country for additional guidance and filing location. You can find information on countries designated for TPS on our website at www.uscis.gov/tps.</p>
Page 17, Address Change	<p>[Page 17]</p> <p>Address Change</p> <p>If you have changed your address, you must inform USCIS of your new address. For information on filing a change of address go to the USCIS website at www.uscis.gov/addresschange or contact the USCIS National Customer Service Center at 1-800-375-5283. For TTY (deaf or hard of hearing) call: 1-800-767-1833.</p> <p>NOTE: Do not submit a change of address request to USCIS Lockbox facilities because USCIS Lockbox facilities do not process change of address requests.</p>	<p>[Page 25]</p> <p>Address Change</p> <p>An applicant who is not a U.S. citizen must notify USCIS of his or her new address within 10 days of moving from his or her previous residence. For information on filing a change of address, go to the USCIS website at www.uscis.gov/addresschange or contact the USCIS National Customer Service Center at 1-800-375-5283. For TTY (deaf or hard of hearing) call: 1-800-767-1833.</p> <p>NOTE: Do not submit a change of address request to the USCIS Lockbox facilities because the Lockbox does not process change of address requests.</p>
Page 17-18, Processing Information	<p>[Page 17]</p> <p>Processing Information</p>	<p>[Page 25]</p> <p>Processing Information</p> <p>You must have a United States address to file this application.</p>

	<p>Any Form I-765 that is not signed or accompanied by the correct fee will be rejected with a notice that Form I-765 is deficient. You may correct the deficiency and resubmit Form I-765. An application or petition is not considered properly filed until accepted by USCIS.</p> <p>Initial processing. Once Form I-765 has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility, and we may deny your Form I-765.</p> <p>Biometric collection, interview, and requests for more information. We may request more information or evidence, or we may request that you appear at a USCIS office for an interview, which may include collection of biometrics (fingerprints, photograph, and signature). We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.</p> <p>[Page 18]</p> <p>You may be required to provide biometrics at a USCIS Application Support Center (ASC) in order for your EAD application to be adjudicated and your card to be produced. If necessary, USCIS will send you a notice scheduling you for an ASC appointment for the electronic collection of your biometrics. The ASC notice will inform you of the documents that you must bring with you to the appointment. If you fail to attend your ASC appointment, your EAD application may be denied.</p> <p>Approval. If approved, your EAD will either be mailed to you or you may be required to visit your local USCIS office to pick it up.</p>	<p>[Deleted]</p> <p>Initial processing. Once USCIS accepts your application, we will check it for completeness. If you do not completely fill out this application, you will not establish a basis for your eligibility and USCIS may reject or deny your application.</p> <p>Requests for More Information. USCIS may request that you provide more information or evidence to support your application. We may also request that you provide the originals of any copies you submit. If we request an original document from you, it will be returned to you after USCIS determines it no longer needs your original.</p> <p>[Page 26]</p> <p>Requests for Interview. We may request that you appear at a USCIS office for an interview based on your application. At the time of any interview or other appearance at a USCIS office, we may require that you provide your fingerprints, photograph, and/or signature to verify your identity and/or update background and security checks.</p> <p>Decision. The decision on Form I-765 involves a determination of whether you have established eligibility for the immigration benefit you are seeking. USCIS will notify you of the decision in writing.</p> <p>Approval. If your application is approved, we will either mail your EAD to you or we may require you to visit your local USCIS office to pick it up.</p>
--	---	---

	<p>Denial. If your application cannot be granted, you will receive a written notice explaining the basis of your denial.</p>	<p>Denial. If USCIS cannot approve your application, you will receive a written notice explaining the basis of your denial.</p>
<p>Page 18, USCIS Forms and Information</p>	<p>[Page 18]</p> <p>USCIS Forms and Information</p> <p>To ensure you are using the latest version of this form, visit the USCIS website at www.uscis.gov where you can get USCIS forms and immigration-related information. If you do not have internet access, you may order USCIS forms by calling our toll-free number at 1-800-870-3676. You may also obtain forms and information by calling our USCIS National Customer Service Center at 1-800-375-5283. For TTY (deaf or hard of hearing) call: 1-800-767-1833.</p> <p>Instead of waiting in line for assistance at your local USCIS office, you can schedule an appointment online at www.uscis.gov. Select “Schedule an Appointment” and follow the screen prompts to set up your appointment. Once you finish scheduling an appointment, the system will generate an appointment notice for you.</p>	<p>[Page 26]</p> <p>USCIS Forms and Information</p> <p>To ensure you are using the latest version of this application, visit the USCIS website at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have Internet access, you may order USCIS forms by calling the Forms Request Line at 1-800-870-3676. You may also obtain forms and information by calling the USCIS National Customer Service Center at 1-800-375-5283. For TTY (deaf or hard of hearing) call: 1-800-767-1833.</p> <p>Instead of waiting in line for assistance at your local USCIS office, you can schedule an appointment online at www.uscis.gov. Select “Make an Appointment” and follow the screen prompts to set up your appointment. Once you finish scheduling an appointment, the system will generate an appointment notice for you.</p>
<p>Page 18, Penalties</p>	<p>[Page 18]</p> <p>Penalties</p> <p>If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-765, we will deny your Form I-765 and may deny any other immigration benefit.</p> <p>In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.</p>	<p>[Page 26]</p> <p>Penalties</p> <p>If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-765, we will deny your Form I-765 and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.</p>
<p>Page 18, SSA Privacy Act Statement</p>	<p>[Page 18]</p> <p>SSA Privacy Act Statement</p> <p>Sections 205(c) and 702 of the Social Security Act authorizes SSA to collect information to assign you an SSN and issue a Social Security card. The information you furnish on this application is voluntary. However, failure to provide the requested</p>	<p>[Page 26]</p> <p>SSA Privacy Act Statement</p> <p>Sections 205(c) and 702 of the Social Security Act authorizes SSA to collect information to assign you an SSN and issue a Social Security card. The information you furnish on this application is voluntary. However, failure to provide the requested</p>

	<p>information may prevent SSA from issuing you an SSN and Social Security card. SSA will maintain the information used to assign you an SSN and issue you a Social Security card in SSA's system of records [Master Files of Social Security Number (SSN) Holders and SSN Applications, 60-0058]. Complete lists of approved routine uses for the information used to assign you an SSN and issue you a Social Security card are available in the System of Records Notice 60-0058, available at www.ssa.gov.</p>	<p>information may prevent SSA from issuing you an SSN and Social Security card. SSA will maintain the information used to assign you an SSN and issue you a Social Security card in SSA's system of records [Master Files of Social Security Number (SSN) Holders and SSN Applications, 60-0058]. Complete lists of approved routine uses for the information used to assign you an SSN and issue you a Social Security card are available in the System of Records Notice 60-0058, available at www.ssa.gov.</p>
<p>Page 18-19, USCIS Privacy Act Statement</p>	<p>[Page 18]</p> <p>USCIS Privacy Act Statement</p> <p>AUTHORITIES: The information requested on this application, and the associated evidence, is collected pursuant to the Immigration and Nationality Act, 8 U.S.C. section 1324a, as amended.</p> <p>PURPOSE: The primary purpose for providing the requested information on this form is to determine eligibility for certain aliens who are temporarily in the United States requesting an Employment Authorization Document (EAD).</p> <p>DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision or result in the denial of your benefit request.</p> <p>[Page 19]</p> <p>ROUTINE USES: The information you provide on this benefit application may be shared with other federal, state, local, and foreign government agencies and authorized organizations in accordance with approved routine uses, as described in the associated published system of records notices [DHS/USCIS-001 - Alien File, Index, and National File Tracking System; DHS/USCIS-007 - Benefit Information</p>	<p>[Page 26]</p> <p>USCIS Privacy Act Statement</p> <p>AUTHORITIES: The information requested on this application, and the associated evidence, is collected under the Immigration and Nationality Act (INA), 8 U.S.C. section 1324a, as amended.</p> <p>PURPOSE: The primary purpose for providing the requested information on this application is to determine eligibility for certain foreign nationals who are temporarily in the United States requesting an EAD.</p> <p>[Page 27]</p> <p>DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision or result in the denial of your benefit request.</p> <p>[Page 27]</p> <p>ROUTINE USES: DHS may share the information you provide on this application with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS/USCIS-007 - Benefits Information System and DHS/USCIS-001 - Alien File, Index, and National File Tracking System</p>

	System; and DHS/USCIS-010 - Asylum Information and Pre-Screening, which can be found at www.dhs.gov/privacy . The information may also be made available, as appropriate for law enforcement purposes or in the interest of national security.	of Records] which you can find at www.dhs.gov/privacy . DHS may also share the information, as appropriate, for law enforcement purposes or in the interest of national security.
Page 19, Paperwork Reduction Act	<p>[Page 19]</p> <p>Paperwork Reduction Act</p> <p>An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated as follows: 3.42 hours for reviewing instructions and completing and submitting Form I-765; 1.17 hours associated with biometrics processing; .50 hours for reviewing instructions and completing Form I-765WS; and .50 hours associated with providing passport-style photographs. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0040. Do not mail your completed Form I-765 to this address.</p>	<p>[Page 27]</p> <p>Paperwork Reduction Act</p> <p>An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated at 4 hours and 30 minutes per response, including the time for reviewing instructions, gathering the required documentation and information, completing the application, preparing statements, attaching necessary documentation, and submitting the application. The collection of biometrics is estimated to require 1 hour and 10 minutes. The public reporting burden for the collection of information for Form I-765WS is estimated 30 minutes per response, including the time for reviewing instructions, gathering the required documentation and information, completing the application, preparing statements, attaching necessary documentation, and submitting the application. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0040. Do not mail your completed Form I-765 to this address.</p>