

TABLE OF CHANGES – INSTRUCTIONS
Form I-765, Application For Employment Authorization
OMB Number: 1615-0040
10/28/2019

Reason for Revision: Asylum EAD NPRM

Legend for Proposed Text:

- Black font = Current text
- **Red font** = Changes

Expires 05/31/2020

Edition Date 5/31/2018

Current Page Number and Section	Current Text	Proposed Text
<p>Pages 1-14, Who May File Form I-765?</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 Part 2., 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>...</p> <p>[page 2]</p> <p>5. Pending Asylum and Withholding of Removal Applicants and Applicants for</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 Part 2., Item Number 30., 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 30.</p> <p>...</p> <p>[page 2]</p> <p>5. Pending Asylum and Withholding of Removal Applicants and Applicants for</p>

	<p>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, refer to Special Filing Instructions for Those With Pending Asylum Applications--(c)(8) in the Required Documentation section of these Instructions.</p> <p>[currently on page 21, “Required Documentation section”; moved up]</p> <p>Special Filing Instructions for Those With Pending Asylum Applications--(c)(8)</p> <p>[new]</p>	<p>Asylum under the ABC Settlement Agreement--(c)(8). If you have a pending Form I-589, Application for Asylum and for Withholding of Removal, refer to the Instructions below.</p> <p>[moved from page 21, “Required Documentation section”]</p> <p>Special Filing Instructions for Those With Pending Asylum Applications--(c)(8).</p> <p>Applicants requesting employment authorization under (c)(8) must:</p> <ol style="list-style-type: none"> 1. Wait 365 days from the date USCIS or the Immigration Court accepted your asylum application before submitting your application for employment authorization; 2. Appear for your asylum biometric services appointment; 3. Appear for your interview with a USCIS asylum officer, or your hearing before an Immigration Judge (IJ), if requested or scheduled; and 4. Appear for your biometric services appointment for your application for employment authorization. <p>See 8 CFR parts 208.7, 208.9, and 208.10.</p> <p>Special information about biometric services fee and appointments. All applicants for initial and renewal EADs under the (c)(8) eligibility category must submit biometrics at a scheduled biometric services appointment and pay the biometric services fee. If you fail to appear for your biometric services appointment, you may be ineligible for employment authorization.</p> <p>Special information about the one-year deadline to file for asylum. If you file your asylum application more than one year after your most recent arrival in the United States, you will not be granted employment authorization under this eligibility category unless a USCIS asylum officer or an Immigration Judge determines that you meet an exception for late filing, as</p>
--	--	---

provided in section 208(a)(2)(D) of the Immigration and Nationality Act (INA). This one-year filing deadline does not apply to an alien who is an unaccompanied alien child, as defined by section 462(g) of the Homeland Security Act of 2002, 6 U.S.C. 279(g), INA section 208(a)(2)(E), 8 U.S.C. 1158(a)(2)(E).

Special information about lawful entry into the United States through a port of entry. Eligibility for an EAD under category (c)(8) requires that your last entry into the United States was lawful and through a port of entry. USCIS will determine whether an exception to this requirement applies based on your responses to **Part 2., Item Numbers 27. - 29.d.** of Form I-765.

Special information about arrests, charges, and convictions. You cannot receive employment authorization under this eligibility category if:

- You have been convicted of an aggravated felony in any country;
- You have been convicted of a felony in the United States;
- You have been convicted of any serious non-political crime outside the United States; or
- You have been convicted in the United States of any offense involving domestic violence, domestic assault, or any other domestic or spousal battery-type offense (unless you have been subjected to extreme cruelty and were not the primary perpetrator of the violence in the relationship), child abuse, child neglect, or any other offense against a child, illegal drugs or controlled substances, including possession, possession with intent to distribute, or delivery, or driving or operating a motor vehicle under the influence of alcohol or drugs.

USCIS will determine on a discretionary basis your eligibility for an EAD under this category if:

- You have been convicted of any non-political foreign criminal offense;
- You have unresolved arrests or pending charges for any non-political foreign criminal offense; or

	<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 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 	<ul style="list-style-type: none"> • You have unresolved domestic arrests or pending charges involving domestic violence, domestic assault, or any other domestic or spousal battery-type offense, child abuse, child neglect, or any other offense against a child, illegal drugs or controlled substances, including possession, possession with intent to distribute, or delivery, or driving or operating a motor vehicle under the influence of alcohol or drugs. <p>Special information about the impact of applicant-caused delays. Any delays you have caused in the adjudication of your asylum application that are still in effect at the time your application for employment authorization is adjudicated will result in USCIS denying your application for employment authorization.</p> <p>[deleted]</p>
--	--	--

	<p>new address;</p> <p>5. A request to provide additional evidence after your interview; and</p> <p>6. Failure to provide a competent interpreter at your interview.</p> <p>Additionally, if you fail to appear for your interview with a USCIS asylum office or for a hearing before an EOIR IJ, 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>Examples of applicant-caused delays include, but are not limited to the list below:</p> <ol style="list-style-type: none"> 1. A request to amend or supplement an asylum application that causes a delay in its adjudication or in proceedings as permitted in section 208.4(c); 2. Failure to appear to receive and acknowledge receipt of the decision as specified in section 208.9(d); 3. A request for extension to submit additional evidence fewer than 14 days prior to the interview date as permitted by section 208.9(e); 4. Failure to appear for an asylum interview or biometric services appointment, unless excused by USCIS as described in 208.10(b)(1) for the failure to appear; 5. A request to reschedule an interview for a later date; 6. A request to transfer a case to a new asylum office or interview location, including when the transfer is based on a new address; 7. A request to provide additional evidence after interview; 8. Failure to provide a competent interpreter at interview; and 9. Failure to comply with any other request needed to determine asylum eligibility.
--	--	---

	<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-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. 2. If you lodged or filed your Form I-589 with EOIR, acknowledgement of receipt of your application or other available evidence. 3. 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: <ol style="list-style-type: none"> A. Timely appealed the EOIR IJ's decision on your Form I-589 to the BIA and the appeal remains pending; and 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. 4. If your Form I-589 has been remanded to an EOIR IJ for further adjudication of your underlying asylum claim: <ol style="list-style-type: none"> A. A copy of the BIA decision and order remanding your case to the EOIR IJ; and B. Evidence that your asylum claim remains under review by the EOIR IJ. 5. Evidence of Arrests and Conviction. For initial and renewal applications, you 	<p>Additional Evidence requirements for category (c)(8) applicants:</p> <p>If you are a category (c)(8) applicant who has met the requisite 365-day waiting period to file Form I-765, file your application 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-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. 2. If you lodged or filed your Form I-589 with the Executive Office for Immigration Review (EOIR), a copy of acknowledgement of receipt of your application or other available evidence. 3. If an EOIR IJ has denied your Form I-589, but you met the requisite 365-day waiting period prior to the EOIR IJ's decision in your case, evidence that you timely appealed the EOIR IJ's decision on your Form I-589 to the BIA and the appeal remains pending. <p>[deleted]</p> <ol style="list-style-type: none"> 4. If your Form I-589 has been remanded to an EOIR IJ for further adjudication of your underlying asylum claim: <ol style="list-style-type: none"> A. A copy of the BIA decision and order remanding your case to the EOIR IJ; and B. Evidence that your asylum claim remains under review by the EOIR IJ. 5. Evidence of Arrests and Convictions. You must submit certified police and court
--	---	--

	<p>are required to submit evidence 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 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>records for any criminal charges, arrests, or convictions you may have.</p> <p>A. If you were EVER arrested or detained by a law enforcement officer for any reason in any country, including the United States, and no criminal charges were filed, you must submit:</p> <p>(1) An original or certified copy of the complete arrest report; and</p> <p>(2) Either an official statement by the arresting or detaining agency or prosecutor’s office OR an applicable court order that indicates the final disposition of your arrest or detention;</p> <p>B. If you were EVER charged for any reason (even if you were not arrested) in any country, including the United States, you must submit:</p> <p>(1) An original or certified copy of the complete arrest report; and</p> <p>(2) Certified copies of BOTH the indictment, information, or other formal charging document AND the final disposition of each charge (for example, a dismissal order or acquittal order);</p> <p>C. If you were EVER convicted or placed in an alternative sentencing or rehabilitative program (such as probation, drug treatment, deferred adjudication, or community service program) in any country, including the United States, you must submit:</p> <p>(1) An original or certified copy of the complete arrest report;</p> <p>(2) Certified copies of the following: the indictment, information, or other formal charging document; any plea agreement, whether in the form of a court filing or recording in a hearing transcript; and the final disposition for each incident (for example, conviction record, deferred adjudication order, probation order); and</p> <p>(3) Either an original or certified copy of your probation or parole record showing that you completed the mandated sentence, conditions set for the deferred adjudication,</p>
--	---	--

		<p>or rehabilitative program OR documentation showing that you completed the alternative sentencing or rehabilitative program; or</p> <p>D. If you EVER had any arrest or conviction vacated, set aside, sealed, expunged, or otherwise removed from your record in any country, you must submit:</p> <p>(1) An original or certified copy of the complete arrest report; the indictment, information, or other formal charging document; any plea agreement, whether in the form of a court filing or recording in a hearing transcript; and the final disposition for each incident (for example, conviction record, deferred adjudication order, probation order); and</p> <p>(2) A certified copy of the court order vacating, setting aside, sealing, expunging, or otherwise removing the arrest or conviction.</p> <p>You must disclose all arrests and charges, even if the arrest occurred when you were a minor. An adjudication of juvenile delinquency is not a “conviction” under U.S. immigration law, but a juvenile can be charged as an adult for an offense committed while a juvenile. If you were convicted as an adult, there is a conviction, regardless of whether you were tried before a criminal court or a juvenile court. An adjudication of juvenile delinquency could also be relevant to the exercise of discretion. If you claim that an arrest resulted in adjudication of delinquency, and not in a conviction, you must submit a copy of the court document that establishes this fact.</p> <p>In general, you do not need to submit documentation relating to traffic fines and incidents that did not involve an actual physical arrest if the penalty was only a fine of less than \$500 or points on your driver’s license. However, you must submit such documentation if the traffic incident resulted in criminal charges or involved alcohol, drugs, or injury to a person or property.</p>
--	--	--

	<p>NOTE: USCIS may, in its discretion, deny your application if you have been arrested and/or convicted of any crime.</p>	<p>If you are not able to obtain certified copies of any court disposition relating to Items 11.A. - 11.D., please submit:</p> <ol style="list-style-type: none"> 1. An explanation of why the documents are not available, including (if possible) a certificate from the custodian of the documents explaining why the documents are not available; 2. Any secondary evidence that shows the disposition of the case; or 3. If secondary evidence is also not available, one or more written statements, signed under penalty of perjury under 28 U.S.C. section 1746, by someone who has personal knowledge of the disposition. <p>[deleted]</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; 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.

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, American Baptist Churches v. Thornburgh, 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.

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.

If you are requesting an initial EAD under this category, you do not need to pay the filing fee. If you are requesting a renewal or replacement EAD, you must pay the filing fee. Mark your application as follows:

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 **Part 2., Item Number 30.**, of the application.

3. Select the box in **Part 3., Item Number 6.**, of this application.

You are entitled to an EAD without regard to the merits of your asylum claim.

Your Form I-765 will be decided within 60 days if:

	<p>...</p> <p>[page 4]</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, if you are requesting a 24-month STEM extension. Include evidence the degree that is the basis for the STEM OPT extension 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 Part 2., Item Numbers 28.a. - 28.c., of Form I-765. You must include a copy of the Form I-20 endorsed by the DSO within 60 days before filing Form I-765.</p> <p>...</p> <p>[page 6]</p> <p>6. Spouse of an E-2 Commonwealth of 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>	<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>...</p> <p>[page 7]</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, if you are requesting a 24-month STEM extension. Include evidence the degree that is the basis for the STEM OPT extension 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 Part 2., Item Numbers 31.a. - 31.c., of Form I-765. You must include a copy of the Form I-20 endorsed by the DSO within 60 days before filing Form I-765.</p> <p>...</p> <p>[page 10]</p> <p>6. Spouse of an E-2 Commonwealth of Northern Mariana Islands (CNMI) Investor--(c)(12).</p>
--	--	--

	<p>[moved here from page 27, “Required Documentation” section]</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 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> <ul style="list-style-type: none"> A. Documentation (such as a marriage certificate) establishing a legal marriage; B. Documentation (such as divorce or death certificates) establishing the termination of any prior marriages of you and your spouse (if applicable); C. Documentation establishing that you reside in the CNMI; D. Documentation establishing that your spouse has obtained E-2C status; E. Documentation establishing that you have obtained E-2C status as a dependent; and F. A copy of your spouse’s CNMI issued Long-Term Business Certificate or Foreign Investment Certificate. <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>...</p> <p>[page 8]</p> <p>Do not select the “Yes” box for Part 2., Item Number 30., on the application or submit documentation if you only have had</p>	<p>[moved here from page 27, “Required Documentation” section]</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 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> <ul style="list-style-type: none"> A. Documentation (such as a marriage certificate) establishing a legal marriage; B. Documentation (such as divorce or death certificates) establishing the termination of any prior marriages of you and your spouse (if applicable); C. Documentation establishing that you reside in the CNMI; D. Documentation establishing that your spouse has obtained E-2C status; E. Documentation establishing that you have obtained E-2C status as a dependent; and F. A copy of your spouse’s CNMI issued Long-Term Business Certificate or Foreign Investment Certificate. <p>[no change]</p> <p>...</p> <p>[page 12]</p> <p>Do not select the “Yes” box for Part 2., Item Number 33., on the application or submit documentation if you only have had</p>
--	--	--

	<p>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 30. on the application 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>...</p> <p>[page 10]</p> <p>Do not select the “Yes” box for Part 2., Item Number 31.b., on the application 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 application 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>...</p> <p>[page 12]</p> <p>6. 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 (such as Cuban Family and Haitian Family Reunification Parole programs).</p> <p>[new]</p> <p>...</p>	<p>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 33. on the application 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>...</p> <p>[page 14]</p> <p>Do not select the “Yes” box for Part 2., Item Number 34.b., on the application 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 34.b. on the application 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>...</p> <p>[page 16]</p> <p>6. 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 pursuant to INA 212(d)(5) (such as Cuban Family and Haitian Family Reunification Parole programs).</p> <p>NOTE: If you entered the eligibility category (c)(11) AND you were paroled into the United States on the basis of having established a credible fear of persecution or torture pursuant to INA 235(b)(1)(A), you are not eligible for either initial or renewal employment authorization under the (c)(11) eligibility category.</p> <p>...</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 Instructions. Enter (c)(33) in Part 2., Item Number 27., as the eligibility category under which you are applying.</p> <p>...</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 Instructions. Enter (c)(33) in Part 2., Item Number 30., as the eligibility category under which you are applying.</p> <p>...</p>
<p>Pages 16-19, Specific Instructions</p>	<p>[Page 16]</p> <p>...</p> <p>Item Number 1.a. Initial permission to accept employment.</p> <p>...</p> <p>[Page 18]</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>[new]</p>	<p>[Page 20]</p> <p>...</p> <p>Item Number 1.a. Initial permission to accept employment.</p> <p>...</p> <p>[Page 22]</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. Lawful Entry. Select “Yes” if you entered the United States lawfully through a port of entry. Skip to Item Number 30. You must provide evidence of your lawful entry such as a Form I-94 or passport with entry stamp.</p> <p>Select “No” if you did not enter the United States lawfully through a port of entry. Complete Item Numbers 28. and 29.a. - 29.d.</p> <p>NOTE: Eligibility for an EAD under category (c)(8) requires that your last entry into the United States was lawful and through a port of entry. However, in limited circumstances, you may qualify for an exception to this requirement under 8 CFR 208.7(a)(1)(iii)(F). In order for USCIS to determine whether you qualify for an exception, you must complete Item Numbers 28. and 29.a. - 29.d.</p> <p>Item Number 28. Presenting yourself to the Department of Homeland Security. Select “Yes” if you presented yourself to an officer or agent from DHS within 48 hours of your unlawful entry into the United</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. - 28.c. (c)(3)(C) STEM OPT Eligibility Category. If you</p>	<p>States and expressed an intention to apply for asylum or expressed a fear of persecution or torture. Presenting yourself to DHS includes presenting yourself to an officer or an agent from: U.S. Customs and Border Protection, U.S. Border Patrol, U.S. Immigration and Customs Enforcement, U.S. Coast Guard, or U.S. Citizenship and Immigration Services.</p> <p>Select “No” if you did not present yourself to an officer or agent from DHS within 48 hours of your unlawful entry into the United States and express an intention to apply for asylum or express a fear of persecution or torture.</p> <p>Item Number 29.a. Date you presented yourself to DHS. Provide the date that you presented yourself to an officer or agent from DHS.</p> <p>Item Number 29.b. Location where you presented yourself to DHS. Provide the location where you presented yourself to an officer or agent from DHS.</p> <p>Item Number 29.c. Country of claimed persecution. Provide the name of the country from which you fear persecution or torture.</p> <p>Item Number 29.d. Explanation of why you did not enter the United States lawfully through a port of entry. You must show good cause for failing to enter the United States lawfully at a port of entry. See 8 CFR 208.7(a)(1)(iii)(F). Examples of good cause include, but are not limited to, needing immediate medical attention or fleeing imminent serious harm. Examples that do not constitute good cause include, but are not limited to, evasion of U.S. immigration officers, circumvention of the orderly processing of asylum seekers at a U.S. port of entry, or convenience.</p> <p>Item Number 30. 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 31.a. - 31.c. (c)(3)(C) STEM OPT Eligibility Category. If you</p>
--	---	---

	<p>entered eligibility category (c)(3)(C) in Item Number 27., provide your degree level and major (for example, Bachelor’s degree in English), 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 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 Required Documentation section of the Instructions for information about providing court dispositions.</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?”</p> <p>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>...</p>	<p>entered eligibility category (c)(3)(C) in Item Number 30., provide your degree level and major (for example, Bachelor’s degree in English), 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 32. (c)(26) Eligibility Category. If you entered eligibility category (c)(26) in Item Number 30., provide the receipt number of your 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 33. (c)(8) Eligibility Category. If you entered the eligibility category (c)(8) in Item Number 30., 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 33., refer to Special Filing Instructions for Those With Pending Asylum Applications (c)(8) section of the Instructions for information about providing court dispositions.</p> <p>Item Number 34.a. - 34.b. (c)(35) and (c)(36) Eligibility Category. If you entered the eligibility category (c)(35) or (c)(36) in Item Number 30., 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?”</p> <p>NOTE: If you answered “Yes” to Item Number 34.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>...</p>
<p>Pages 19-22, Required Documentation</p>	<p>[Page 19] Required Documentation</p>	<p>[Page 19] Required Documentation</p>

	<p>...</p> <p>Special Filing Instructions for Those With Pending Asylum Applications--(c)(8).</p>	<p>[no changes]</p> <p>[rest of this section moved up to the “Who may File Form I-765? section]</p>
<p>Page 22, What Is the Filing Fee?</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 must pay the Form I-765 filing fee, regardless of your age.</p> <p>[new]</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 must pay the Form I-765 filing fee, regardless of your age.</p> <p>Special Instructions for Those With Pending Asylum Applications--(c)(8). All applicants for an initial, renewal, or replacement EAD under the (c)(8) eligibility category must submit biometrics and pay the \$85 biometric services fee. If you fail to appear for your biometric services appointment, you may be ineligible for employment authorization.</p>
<p>Page 27, Paperwork Reduction Act</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 public reporting burden for the collection of information for Form I-765WS is estimated at 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</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 5 hours and 15 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 public reporting burden for the collection of information for Form I-765WS is estimated at 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</p>

	<p>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>	<p>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>
--	---	---