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# U.S. Citizenship and Immigration Services

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Document Production Division

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# Application for Employment Authorization – Form I-765



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Completing and submitting the Form I-765 is the process to apply for an employment authorization document (EAD).

The current form and instructions for filing can be found at [www.uscis.gov](http://www.uscis.gov).

# Employment Authorization Document



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An EAD is the document that USCIS issues as evidence that the holder is authorized to accept employment in the United States. It is also known as the Form I-766.

# Employment Authorization



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- Certain foreign nationals who are temporarily in the United States may request permission to accept employment inside the United States.
- Other individuals who are authorized to accept employment in the United States (without restrictions) may apply to USCIS for an EAD that shows such authorization.
- Foreign nationals who are authorized to work in the United States only for a specific employer do not need an EAD.

# Three Types of EADs



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- Initial EAD: The EAD issued to an applicant after applying for the first time under a specific category for permission to accept employment or for proof of employment authorization based on a particular status.
- Renewal EAD: The EAD issued to an eligible applicant upon the expiration of a previous EAD under the same category.
- Replacement EAD: The EAD issued to an applicant when the previously issued EAD:
  - was lost, stolen, or mutilated, or
  - contained inaccurate information, such as a misspelled name or the **applicant's name has changed.**

# EAD Categories



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There are over 50 different eligibility categories. The legal descriptions of these categories can be found in 8 CFR 274a.12.

Examples include:

- (a)(3) Refugee
- (a)(5) Asylee
- (c)(8) Pending asylum applicant
- (a)(12) Temporary Protected Status
- (c)(1) A-1/A-2 (Diplomat) dependent
- (c)(9) Pending adjustment of status

# Evidence



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- The applicant must submit evidence to establish their eligibility for the category requested.
- Each eligibility category requires different documentation. Failure to submit the required documentation may cause processing delays.

# EAD Validity Period



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- The EAD will have a validity period based on the applicant's eligibility category.
- Most EAD categories have a validity period of one year.

# What is a Travel Document?



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A travel document is a general term that refers to three different types of permits issued to individuals who are not U.S. citizens who may need permission to return the United States after traveling abroad.

Form I-131 is used to apply for all three types of travel documents:

- Reentry permit
- Refugee travel document
- Advance parole document

# Reentry Permit



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- While it is valid, a reentry permit allows a permanent resident to apply for admission to the United States when returning from abroad without needing to obtain a returning resident visa.
- A reentry permit may be issued to a lawful permanent resident (LPR) or conditional permanent resident (CPR).

# Refugee Travel Document



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- A refugee or asylee must have a valid refugee travel document to return to the United States after travel abroad unless he or she has a valid advance parole document.
- An applicant may be eligible for a refugee travel document if he or she:
  - Holds refugee status under INA § 207, or
  - Has asylum status under INA § 208, or
  - Is now a lawful permanent resident as a direct result of his or her refugee or asylee status.
  - Is an LPR who was a refugee or asylee and adjusted to LPR status through another means (e.g. through marriage) but is still in conditional status

# Advance Parole Document



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- An advance parole document allows you to travel to a port-of-entry and seek parole into the United States. CBP decides whether parole is appropriate each time you seek parole at a port-of-entry. Parole is not guaranteed.
- An advance parole document may be issued to allow individuals to seek parole into the United States for urgent humanitarian or significant public benefit reasons. While asylees and refugees may file for an advance parole document, it is not recommended because it may not permit readmission as a returning asylee or refugee.

# Reentry Permits and Refugee Travel Documents



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Applicant must be in the United States at the time of filing and at the time of the biometrics appointment.

- *Exception* – A port of entry or an overseas USCIS district director may accept and adjudicate an application for a refugee travel document for someone who has refugee or asylum status or is a lawful permanent resident as a result of such status and who departed the U.S. while in that status and without applying for a travel document (special rules apply).

# Reentry Permits and Refugee Travel Documents



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## Biometrics

- All Form I-131 applicants for a reentry permit or refugee travel document must provide biometrics at an Application Support Center (**ASC**). The term “**biometrics**” includes a photograph, signature, single fingerprint and full set of ten fingerprints.
- Individuals who are age 14 -79 must submit a full set of fingerprints and pay the \$85 biometric fee. This is in addition to the filing fee.
- Individuals under 14 or over 79 years of age must still appear at an ASC for photographs and signature.
- Failure to appear at the ASC is grounds for denial of the application.

# Reentry Permits and Refugee Travel Documents



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## Effect of Travel

- The applicant must generally be in the United States at the time of filing.
- The applicant must appear for a biometric appointment.
- If the applicant fulfills the above requirements and then departs the United States before USCIS makes a final decision, **the applicant's** departure will not effect the adjudication of the application.
- An applicant may depart the U.S. after filing and return to the U.S. if in possession of a valid entry document to attend his or her ASC appointment.

# Reentry Permits - Validity



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- Generally a reentry permit is valid for 2 years. However, if the applicant has been outside the United States for more than 4 of the last 5 years since becoming a permanent resident, the reentry permit will be limited to one year with certain exceptions.
- A conditional **resident's** reentry permit is issued for two years or to the date that the conditional resident must apply for removal of the conditions on his or her status, whichever date comes first.
- Good for multiple entries
- Non-renewable

# Refugee Travel Documents - Validity



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- Issued for 1 year from the date of approval
- Good for multiple entries during the validity period
- Non-renewable

# Issuing Reentry Permits and Refugee Travel Documents



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- USCIS may mail the travel document to:
  - The applicant or his or her attorney/representative at a U.S. address, or
  - A U.S. Consulate or DHS office overseas.
- USCIS will not mail the document to an APO/FPO address or any other overseas address.
- NSC mails the document by U.S. Postal Service Secure Priority Mail with delivery tracking. This creates a safe and fast method of ensuring that the applicant receives the travel document.

# Advance Parole Document



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- An advance parole document may be issued to someone who has a pending Form I-485, Application to Register Permanent Residence or Adjust Status, and who seeks to depart temporarily from the United States for urgent humanitarian reasons or in furtherance of a significant public benefit, which may include a family emergency or bona fide business reasons.
- The document is an Authorization for Parole of an Alien into the United States (Form I-512L) printed on a Notice of Action (Form I-797) paper. Travel may also be endorsed on the Employment Authorization Document (Form I-766) if the applicant files both Form I-131 and an Application for Employment Authorization (Form I-765).
- Usually valid for one year with multiple entries.

# Advance Parole Document Where to File



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- An application for advance parole document based on a pending Form I-485 is usually filed through a lockbox and processed at the center where the Form I-485 is pending.
- An advance parole document request based on another type of benefit, with application pending, or on a different basis might be filed elsewhere. Please visit [www.uscis.gov](http://www.uscis.gov) for further instructions.

# Advanced Parole Employment Authorization Document (APEAD)



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A policy memorandum dated December 21, 2010, allows USCIS to issue an EAD with an advance parole endorsement. This “**combo** card” authorizes employment and travel on one document when the applicant has an underlying Form I-485 pending with USCIS and is eligible for employment under the (c)(9) or (c)(16) eligibility code.

# Inadmissibility



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- Having a reentry permit or refugee travel document does not guarantee that you will be admitted into the United States.
- If admissible, you will resume the immigration status that is recorded in your travel document unless you are no longer eligible for that status.
- An advance parole document bearer is paroled into the United States rather than admitted.
  - Parole is *not* guaranteed. CBP makes a separate decision each time you seek parole at a POE

# Expedited Processing



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- The NSC will expedite processing for a travel document if there is a bona fide need. According to HQ guidance, this may include:
  - Severe financial loss to company or individual
  - Extreme emergent situation
  - Humanitarian situation
  - Nonprofit organization whose request is in furtherance of the cultural and social interests of the United States
  - Department of Defense or national interest situation (Note: Request must come from official United States government entity and state that delay will be detrimental to our government.)
- Expedited processing could take 4 weeks primarily due to the ASC appointment requirement.

# How to Contact Us



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Form I-765: After 75 days, you may contact the National Customer Service Center at 1-800-375-5283

Form I-131: You may contact the National Customer Service Center at 1-800-375-5283 at any time

# About This Presentation



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