

**Instructions TOC for Form I-765**  
**Application for Employment Authorization**  
**OMB RIN 1615-0040**  
**Date: 03/09/2012**

<b>Location</b>	<b>Current Text</b>	<b>Proposed Revision and Location</b>
<p><b>Page 1, Under Who May File Categories:</b>  “Asylee/Refugee and Their Spouse and Children” title does not coincide with  “Asylee/Refugee...” on page 2</p>	<p>Asylee/Refugee Categories</p>	<p>Asylee/Refugee Categories (and their spouse and children)</p>
<p><b>Page 1. Under National Categories</b></p> <p>Distinguish between eligibility categories of Temporary Protected Status listed under “C” and Temporary Treatment Benefits listed under “D”. each category should be listed.</p>	<p><b>C. Temporary Protected Status (TPS)—(a)(12)</b> 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. (Only those applicants requesting employment authorization must pay the fee for Form I-765.) If you are filing for an initial EAD based on your TPS status, include evidence of identity and nationality as required by the Form I-821 instructions. Read the Form I-821 instructions for additional guidance and filing location.</p> <p>If you have been granted TPS by an immigration judge...</p> <p><b>D. Temporary Treatment Benefits—(c)(19).</b> For an EAD based on 8 CFR 244.5, include evidence of nationality and identity as required by the Form I-821 instructions.</p>	<p><b>C. Temporary Protected Status (TPS)-(a)(12) and (c)(19).</b> A category (a)(12) EAD is issued to an individual granted TPS under 8CFR 244. A category (c)(19) EAD is a temporary treatment benefit under TPS pursuant to 8CFR 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...</p>

	<ol style="list-style-type: none"> <li>1. Extension of TPS status: Include a copy (front and back) of your last available TPS document: EAD, Form I-94, or approval notice.</li> <li>2. Registration for TPS only without employment authorization: File Form I-765, Form I-821, and a letter indicating that this form is for registration purposes only. No fee is required for Form I-765 filed as part of TPS registration. (Form I-821 has separate fee requirements.)</li> </ol>	<p>(Rename subsequent sections (E, F))</p>
<p><b>Page 4, D. Spouse of an E-1/E-2 Treaty Trader of Investor-(a)(17)</b> Include regulatory changes regarding employment authorization documents for E non-immigrant spouses.</p> <p><b>Page 4, E. Spouse of an L-1 Intracompany Transferee Treaty Trader of Investor-(a)(18)</b></p>	<p>D. Spouse of an E-1/E-2 Treaty Trader of 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....</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....</p>	<p>D. Spouse of an E-1/E-2 Treaty Trader of 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 <b>spouse</b> of a principal E-1/E-2 E-3, such as your Form I-94, <b>and a copy of the principal’s visa, and your marriage certificate.</b></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 <b>spouse</b> of a principal L-1, such as your Form I-94, <b>and a copy of the principal’s visa, and your marriage certificate.</b></p>
<p><b>Page 8, How to Check if Fees are Correct</b></p>	<p><b>How to Check If the Fees Are Correct</b> The form fee on this form is current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:</p> <ol style="list-style-type: none"> <li>1. Visit our Web site at <b>www.uscis.gov</b>, select "Check Filing Fee," and check the</li> </ol>	<p><b>How to Check If the Fees Are Correct</b> The form fee on this form is current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:</p> <ol style="list-style-type: none"> <li>1. Visit our Web site at <b>www.uscis.gov</b>, select “FORMS” and check the</li> </ol>

	<p>appropriate fee;</p> <ol style="list-style-type: none"><li>2. Review the Fee Schedule included in your form package, if you called us to request the form; or</li><li>3. Telephone our National Customer Service Center at <b>1-800-375-5283</b> and ask for the fee information.</li></ol>	<p>appropriate fee; or</p> <ol style="list-style-type: none"><li>2. Telephone our National Customer Service Center at <b>1-800-375-5283</b> and ask for the fee information.</li></ol>
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