

TABLE OF CHANGES – Instructions
FORM I-765, Application for Employment Authorization
OMB No. 1615-0040
Rev. 08/08/2012

Reason for Revision: Part of the Deferred Action for Childhood Arrivals package targeted for 8/15/12 implementation by DHS.

LOCATION	CURRENT VERSION	PROPOSED VERSION
<p>Page 1 What Is the Purpose of This Form?</p>	<p>Interim EAD...The interim EAD will be granted for a period not to exceed 240 days and is subject to the conditions noted on the document.</p>	<p>Interim EAD...The interim EAD will be granted for a period not to exceed 240 days and is subject to the conditions noted on the document. The Interim EAD provisions apply to individuals filing Form I-765 based on Consideration of Deferred Action for Childhood Arrivals only after a determination on deferred action is reached.</p>
<p>Page 1-5 Who May File This Form I-765?</p>	<p>[Page 1-2]</p> <p>...Foreign Students 3...</p> <p>Adjustment-of-Status Categories 5...</p> <p>[Page 5]</p> <p>8. Other Categories...</p> <p>E. Deferred Action--(c)(14). File Form I-765 with a copy of the order, notice, or document placing you in deferred action and evidence establishing economic necessity for an EAD.</p>	<p>[Page 1]</p> <p>...Foreign Students 2...</p> <p>Adjustment-of-Status Categories 4...</p> <p>[Page 5-6]</p> <p>8. Other Categories...</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 income, annual expenses, and the total value of your assets. Provide this financial information on Form I-765WS, Form I-765 Worksheet. If you</p>

	<p>would like to provide an explanation, complete Part 3, Additional Information, 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 also 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 Question 16 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 income, annual expenses, and the total 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, Additional Information, 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>b. The 90-day period for adjudicating Form I-765 filed together with Form I-821D does not begin until DHS has decided whether to defer action in your case.</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</p>
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	<p>F. Final Order of Deportation--(c)(18)..:</p> <p>G. LIFE Legalization Applicant--(c)(24)..:</p> <p>H. T-1 Nonimmigrant--(a)(16)..:</p> <p>I. T-2, T-3, or T-4 Nonimmigrant--</p>	<p>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 income, annual expenses, and the total 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</p> <p>3, Additional Information, of the worksheet. It is not necessary to submit supporting documentation, though it will be accepted and reviewed if you choose to submit it. When completing the Form I-765:</p> <p>a. Enter "Unlawful Status: Deferred Action for Childhood Arrivals by ICE" for Question 15.</p> <p>b. Enter (c)(33) in Question 16 as the letter and number of the category for which you are applying.</p> <p>G. Final Order of Deportation--(c)(18)..:</p> <p>H. LIFE Legalization Applicant--(c)(24) ...</p> <p>I. T-1 Nonimmigrant--(a)(16)..:</p> <p>J. T-2, T-3, or T-4 Nonimmigrant--(c)(25)..:</p>
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	<p>(c)(25)...</p> <p>J. U-1 Nonimmigrant--(a)(19)...</p> <p>K. U-2, U-3, U-4, or U-5--(a)(20)...</p> <p>L. VAWA Self-Petitioners--(C)(31)...</p>	<p>K. U-1 Nonimmigrant--(a)(19)...</p> <p>L. U-2, U-3, U-4, or U-5--(a)(20)...</p> <p>M. VAWA Self-Petitioners--(C)(31)...</p>
<p>Page 6 Required Documentation</p>	<p>B. A copy of your last EAD (front and back). If no prior EAD has been issued, you must submit a copy of a Federal Government-issued identity...</p>	<p>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...If you are filing under the (c)(33) category, additional documentation beyond what you submit under Question 3 on page 3 of the Filing Instructions for Form I-821D, Consideration of Deferred Action for Childhood Arrivals, is not required.</p>
<p>Page 7-8 What is the Filing Fee?</p>	<p>...11. (c)(31) VAWA Self-Petitioner.</p> <p>Renewal EAD...</p> <p>2. Make the check or money order payable to U.S. Department of Homeland Security, unless:</p> <p>A. If you live in Guam, make it payable to Treasurer, Guam.</p> <p>B. If you live in the U.S. Virgin Islands, make it payable to Commissioner of Finance of the Virgin Islands.</p>	<p>...11. (c)(31) VAWA Self-Petitioner.</p> <p>Special Instructions for Childhood Arrivals ((c)(33)). All requestors under this category must submit biometrics. The biometric services fee of \$85 is required for all requestors. The biometric services fee and the filing fee for this form cannot be waived.</p> <p>Renewal EAD...</p> <p>2. Make the check or money order payable to U.S. Department of Homeland Security.</p> <p>[Removed]</p> <p>[Removed]</p> <p>NOTE: Spell out U.S. Department of</p>

	<p>NOTE: If you filed Form I-485, Application to Register Permanent Residence or Adjust Status, as of July 30, 2007, no fee is required to also file a request for employment authorization on Form I-765. You may file the I-765 concurrently with your I-485, or you may submit the 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>NOTE: Spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."</p>	<p>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, no fee is required to also file a request for employment authorization on Form I-765. You may file the I-765 concurrently with your I-485, or you may submit the 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>Page 9-11 Where to File?</p>	<p>[Page 9]</p> <p>If your response to Question 16 is (a) (11), Deferred Enforced Departure (DED)...</p> <p>File at the USCIS Vermont Service Center if your response to Question 16 is...</p>	<p>[Page 9]</p> <p>If your response to Question 16 is (a) (11), Deferred Enforced Departure (DED)..</p> <p>If your response to Question 16 is (c) (33), Consideration of Deferred Action for Childhood Arrivals, and you have not already been informed by ICE that it has deferred action in your case, AND you are filing your Form I-821D with Form I-765, mail your packages to the filing locations identified in the Form I-821D instructions or visit our Web site at www.uscis.gov/I-821D.</p> <p>File at the USCIS Vermont Service Center if your response to Question 16 is...</p> <p>[Reformatted for consistency with other filing instructions; moved filing location from narrative to intro sentence]</p>

	<p>If your response to Question 16 is:</p> <p>(a)(12) or (c)(19) and you have already filed Form I-821, Application for Temporary Protected Status (TPS), you must include a copy of Form I-797C Notice of Action, showing that your initial Form I-821 was accepted or approved. File your Form I-765 according to the instructions in the Federal Register Notice for your particular country's TPS designation. This includes an application for a lost, stolen, or mutilated EAD.</p> <p>(a)(12) or (c)(19) and you are initially filing or reregistering for TPS you must file Form I-765 with Form I-821 according to the instructions in the Federal Register Notice for your particular country's TPS designation.</p> <p>[Page 10]</p> <p>If your response to Question 16 is:</p> <p>(a)(14)...</p> <p>If your response to Question 16 is:</p> <p>(c)(1), alien spouse or unmarried</p>	<p><i>File according to the instructions in the Federal Register Notice for your particular country's TPS designation if your response to Question 16 is:</i></p> <p>(a)(12) or (c)(19) AND you have <u>already</u> filed Form I-821, Application for Temporary Protected Status (TPS), you must include a copy of Form I-797C Notice of Action, showing that your initial Form I-821 was accepted or approved. This includes an application for a lost, stolen, or mutilated EAD; or</p> <p>(a)(12) or (c)(19) AND you are initially filing or reregistering for TPS.</p> <p>[Page 10]</p> <p><i>[Reformatted for consistency with other filing instructions; added filing location to intro sentence]</i></p> <p><i>File at the USCIS Chicago Lockbox facility listed below if your response to Question 16 is:</i></p> <p>(a)(14)...</p> <p><i>[Reformatted for consistency with other filing instructions; moved filing location from narrative to intro sentence]</i></p> <p><i>File through your principal's sponsoring organization if your response to Question 16 is:</i></p>
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	<p>dependent child, son, or daughter of a foreign government official,</p> <p>(c)(4), eligible dependent of a G-1, G-3, or G-4 non-immigrant, or</p> <p>(c)(7), Dependent of a NATO 1 through NATO 7</p> <p>Submit your application through your principal's sponsoring organization and your application will be reviewed and forwarded by DOS, USUN, or NATO/SACLANT to the Nebraska Service Center following certification of your eligibility for an employment authorization document.</p> <p>If your response to Question 16 is (c) (12), Spouse of an E-2 CNMI Investor...</p> <p>[Page 11]</p> <p>E-Notification If you are filing your Form I-765 at one of the USCIS Lockbox facilities, you may elect to receive an email and/or text message notifying you that your application has been accepted. You must complete Form G-1145, E-Notification of Application/Petition Acceptance, and clip it to the first page</p>	<p>(c)(1), alien spouse or unmarried dependent child, son, or daughter of a foreign government official;</p> <p>(c)(4), eligible dependent of a G-1, G-3, or G-4 non-immigrant; or</p> <p>(c)(7), Dependent of a NATO 1 through NATO 7.</p> <p>Your application will be reviewed and forwarded by DOS, USUN, or NATO/SACLANT to the Nebraska Service Center following certification of your eligibility for an employment authorization document.</p> <p>[Reformatted for consistency with other filing instructions; added filing location to intro sentence]</p> <p>File at the USCIS California Service Center if your response to Question 16 is (c)(12), Spouse of an E-2 CNMI Investor...</p> <p>[Page 11]</p> <p>[Corrected order by moving E-Notification after filing instruction]</p> <p>NOTE: If your response to Question 16 is (c)(8) under the special ABC filing instructions, AND you are filing your Form I-589, Application for Asylum, with Form I-765, mail your applications to the filing location identified in the Form I-589 instructions.</p>
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	<p>of your application. To download a copy of Form G-1145, including the instructions, click on the link www.uscis.gov “FORMS.”</p> <p>If your response to Question 16 is (c)(8) under the special ABC filing instructions, and you are filing your Form I-589, Application for Asylum, and this application together, mail your applications to the filing location identified in the Form I-589 instructions.</p> <p>Otherwise, all other (c)(8) related applications will be filed at the USCIS Phoenix or Dallas Lockbox facility based on where you live. See filing chart.</p>	<p>Otherwise, all other (c)(8) related applications will be filed at the USCIS Phoenix or Dallas Lockbox facilities based on where you live. (See filing charts.)</p> <p>E-Notification If you are filing your Form I-765 at one of the USCIS Lockbox facilities, you may elect to receive an email and/or text message notifying you that your application has been accepted. You must complete Form G-1145, E-Notification of Application/Petition Acceptance, and clip it to the first page of your application. To download a copy of Form G-1145, including the instructions, click on the link www.uscis.gov “FORMS”.</p>
<p>Page 11 Processing Information</p>	<p>Requests for more information or interview</p> <p>We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. 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>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>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>Interim EAD...employment authorization.</p>	<p>Interim EAD...employment authorization. <i>The Interim EAD provisions apply to individuals filing Form I-765 based on Consideration of Deferred Action for Childhood Arrivals only after a determination on deferred action is reached.</i></p>
<p>Page 11 Paperwork Reduction Act</p>	<p>An agency...is estimated at 3 hours and 25 minutes per response, including the time for reviewing instructions and completing and submitting the form. Send...Regulatory Products Division, Office of the Executive Secretariat, 20 Massachusetts Avenue, N.W., Washington, DC 20529-2020. OMB No. 1615-0040. Do not mail your application to this address.</p>	<p>[Page 12]</p> <p>An agency...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... Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Avenue, NW, Washington, DC 20529-2020. OMB No. 1615-0040. Do not mail your completed I-765 application to this address.</p>