

TABLE OF CHANGES – INSTRUCTIONS
FORM I-765, Application for Employment Authorization
08/15/12

LOCATION	CURRENT VERSION	PROPOSED CHANGES
<p>Page 4 5. Employment-Based Nonimmigrant Categories...</p>	<p>F. Spouse of an E-2 CNMI Investor--(c)(12)...</p>	<p>F. Spouse of an E-2 CNMI Investor--(c)(12).</p> <p>H-4 Spouse of an H-1B Nonimmigrant--(c)(26). File Form I-765 along with documentation establishing that your current H-4 admission or extension of stay was approved pursuant to the principal's extension of stay under section 104(c) or 106(a)-(b) of the American Competitiveness in the Twenty-First Century Act (AC21). Documentation may include:</p> <ol style="list-style-type: none"> 1. Copies of the principal H-1B spouse's prior and current approval notice(s) (Form I-797 or successor form) establishing that the current extension of stay was based on section 104(c) or 106(a)-(b) of AC21; 2. Proof of the principal H-1B nonimmigrant's pending and/or approved Labor Certification Application, Immigrant Petition for Alien Worker (I-140); 3. Copy of documentation showing that the principal H-1B nonimmigrant has been in H-1B nonimmigrant status beyond 6 years (e.g., passport, prior Forms I-94, copies of pay stubs); and/or 4. Copy of the H-4 dependent spouse's current approval notice granting an extension of stay or Form I-94 evidencing admission as an H-4 nonimmigrant pursuant to the H-1B nonimmigrant's extension of stay granted based on sections 104(c) or 106(a)-(b) of AC21 5. If the documentation listed in 1-3 are not available, secondary evidence, including an attestation by the H-1B nonimmigrant regarding his or her extension, petition receipt numbers, or copies of any relevant receipt notices may be submitted. Appropriate secondary evidence allows USCIS to verify whether the H-1B nonimmigrant's status is based on section 104(c) or 106(a)-(b) of AC21.