# $TOC - INSTRUCTIONS \\ Form I-765, Application for Employment Authorization \\ 02/15/2013$

# **Reason for Revision**

• Provide more detailed information to help Deferred Action for Childhood Arrival requestors

Location	Current Text	Proposed Revised Text
Page 1, Instructions	Read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet of paper. Write your name and Alien Registration Number (A-Number), if any, at the top of each sheet of paper and indicate the part and number of the question to which the answer refers.  The filing addresses provided on this form reflect the most current information as of the date this form was last printed. If you are filing Form I-765 more than 30 days after the latest edition date shown in the lower right-hand corner, visit our Web site at www.uscis.gov before you file, and check the "FORMS" page to confirm the correct filing address and version currently in use. Check the edition date located in the lower right-hand corner of the form. If the edition date on your Form I-765 matches the edition date listed for Form I-765 on the online Forms page, your version is current and will be accepted by USCIS. If the edition date on the online version is later, download a copy and use the online version. If you do not have Internet access, call the National Customer Service Center at 1-800-375-5283 to verify the current filing address and edition date. Improperly filed forms will be rejected and the fee returned, with instructions to resubmit the entire filing using the current form instructions.	[Integrated into other sections of the instructions.]
	Index	[Removed]

# Page 1-6, Who May File Form I-765?

# [Page2]

- ...1. Asylee/Refugee Categories (and their Spouse and Children
- ...D. Asylum Applicant (With a Pending Asylum Application) Who Filed for Asylum on or After January 4, 1995--(c) (8). For specific instructions for applicants with pending asylum claims, see Page 6.

### ...2. Nationality Categories

...D. NACARA Section 203 Applicants Who Are Eligible to Apply for NACARA Relief With USCIS--(c)(10). See the instructions to Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal, to determine if you are eligible to apply to USCIS for NACARA 203 relief.

If you are eligible, you may file a Form I-765 with the Form I-881. See Instructions to Form I-881 for filing location. If you file the Form I-765 separately from the Form I-881 see "Where to File?" instructions. Your response to Question 16 on the Form I-765 must be "(c)(10)."

You may be eligible for a fee waiver under 8 CFR 103.7(c) if you are filing for an EAD related to your application or grant of TPS.

[Page 4]

# ...6. Family-Based Nonimmigrant Categories

...C. Family Unity Program--(a)(13). If you are filing for initial or extension Family Unity benefits, complete and submit Form I-817, Application for Voluntary Departure Under the Family Unity Program according to the filing instructions on Form I-817. An EAD will be issued if your Form I-817 is approved; you do not need to submit Form I-

# [Page 1]

- 1. Asylee/Refugee Categories (and their Spouse and Children
- ...D. Asylum Applicant (With a Pending Asylum Application) Who Filed for Asylum on or After January 4, 1995--(c) (8). For specific instructions for applicants with pending asylum claims, see section entitled "Special Filing Instructions for Those with Pending Asylum Applications ((c)(8))."

### ...2. Nationality Categories

...D. NACARA Section 203 Applicants Who Are Eligible to Apply for NACARA Relief With USCIS--(c)(10). See the instructions to Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal, to determine if you are eligible to apply to USCIS for NACARA 203 relief.

If you are eligible, you may file a Form I-765 with the Form I-881. See Instructions to Form I-881 for filing location. If you file the Form I-765 separately from the Form I-881 see "Where to File?" instructions. Your response to Question 16 on the Form I-765 must be "(c)(10)."

[Removed]

[Page 4]

# ...6. Family-Based Nonimmigrant Categories

...C. Family Unity Program--(a)(13). If you are filing for initial or extension of Family Unity benefits, complete and submit Form I-817, Application for Family Unity Benefits, according to the filing instructions on Form I-817. An EAD will be issued if your Form I-817 is approved; you do not

765.

If your non-expired Family Unity EAD is lost or stolen, file Form I-765 with proper fee(s), along with a copy of your approval notice for Family Unity benefits, to request a replacement.

# ...7. EAD Applicants Who Have Filed for Adjustment of Status

...B. Adjustment Applicant Based on Continuous Residence Since January 1, 1972--(c)(16). File Form I-765 with your Form I-485, Application for Permanent Residence; a copy of your receipt notice; or other evidence that the Form I-485 is pending.

C. Renewal EAD for National Interest Waiver Physicians: If you are filing for a renewal EAD based on your pending adjustment status and an approved National Interest Waiver Physician petition, you must also include evidence of your meaningful progress toward completing the national interest waiver obligation. Such evidence includes documentation of employment in any period during the previous 12 months (e.g., copies of W-2 forms). If you did not work as a national interest waiver physician during any period of the previous 12 months, vou must explain and provide a statement of future intent to work in the national interest waiver employment.

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### 8. Other Categories

**A.** N-8 or N-9 Nonimmigrant--(a)(7). File Form I-765 with the required evidence listed in the "Required Document" section of these instructions.

...C. Applicant for Suspension of Deportation--(c)(10). File Form I-765 with evidence that your Form I-881, Application for Suspension of Deportation, or EOIR-40,

need to submit Form I-765.

If your non-expired Family Unity EAD is lost or stolen, file Form I-765 with proper fee(s), along with a copy of your approval notice for Family Unity benefits, to request a replacement.

# ...7. EAD Applicants Who Have Filed for Adjustment of Status

...B. Adjustment Applicant Based on Continuous Residence Since January 1, 1972--(c)(16). File Form I-765 with your Form I-485, Application to Register for Permanent Residence or Adjust Status; a copy of your receipt notice; or other evidence that the Form I-485 is pending.

C. Renewal EAD for National Interest Waiver Physicians: If you are filing for a renewal EAD based on your pending adjustment status and an approved National Interest Waiver Physician petition, you must also include evidence of your meaningful progress toward completing the national interest waiver obligation. Such evidence includes documentation of employment in any period during the previous 12 months (e.g., copies of W-2 forms). If you did not work as a national interest waiver physician during any period of the previous 12 months. you must explain and provide a statement of future intent to work in the national interest waiver employment program.

### 8. Other Categories

**A.** N-8 or N-9 Nonimmigrant--(a)(7). File Form I-765 with the required evidence listed in the "Required Documentation" section of these instructions.

...C. Applicant for Suspension of **Deportation--(c)(10).** File Form I-765 with evidence that your Form I-881, Application

is pending.

...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 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.

# F. Consideration of Deferred Action for Childhood Arrivals--(c)(33).

- **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.
- **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...

for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to Section 203 of Public Law 105-100 (NACARA)), or Form EOIR-40, is pending.

# [Page 5]

...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 annual income, your current annual expenses, and the total current 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, **Explanation**, of the worksheet. It is not necessary to submit supporting documentation, though it will be accepted and reviewed if you choose to submit it.

# F. Consideration of Deferred Action for Childhood Arrivals--(c)(33).

- **1.** You must 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.
- **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 annual income, your current annual expenses, and the total current 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, Explanation**, of the worksheet. It is not necessary to submit supporting documentation, though it will be accepted and reviewed if you choose to submit it. You do not need to include other household member's financial

**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 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:

- **a.** Enter "Unlawful Status: Deferred Action for Childhood Arrivals by ICE" for **Question 15**.
- **b.** Enter (c)(33) in **Question 16** as the letter and number of the category for which you are applying...

information to establish your own economic necessity...

**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 annual income, your current annual expenses, and the total current 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, Explanation, of the worksheet. It is not necessary to submit supporting documentation, though it will be accepted and reviewed if you choose to submit it. You do not need to include other household member's financial information to establish vour own economic necessity.

When completing the Form I-765:

- **a.** Enter "Unlawful Status: Deferred Action for Childhood Arrivals by ICE" for **Question 15**.
- **b.** Enter (c)(33) in **Question 16** as the letter and number of the category for which you are applying...

#### New

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#### **General Instructions**

Each application must be properly signed and filed. A photocopy of a signed application or a typewritten name in place of a signature is not acceptable.

Each application must be accompanied by the appropriate filing fee.

If you are under 14 years of age, your parent or legal guardian may sign the application on your behalf.

**Evidence.** You must submit all required initial evidence along with all the supporting documentation with your application at the time of filing. If you are electronically filing this application, you must follow the instructions provided on the USCIS Web site, <a href="https://www.uscis.gov">www.uscis.gov</a>.

Biometrics Services Appointment. After receiving your application and ensuring completeness, USCIS will inform you in writing when to go to your local USCIS Application Support Center (ASC) for your biometrics services appointment. Failure to attend the biometrics services appointment may result in denial of your application.

**Copies.** Unless specifically required that an original document be filed with an application or petition, a legible photocopy may be submitted. Original documents submitted when not required may remain a part of the record and will not be automatically returned to you.

**Translations.** Any document containing foreign language submitted to USCIS must be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

#### **How To Fill Out Form I-765**

- 1. Type or print legibly in black ink.
- 2. If extra space is needed to complete any item, attach a continuation sheet, write your name and Alien Registration Number (A-Number) (if any), at the top of each sheet of paper, indicate the Part and item number to which your answer refers, and date and sign each sheet.
- 3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "None."

# Page 6-7, Required Documentation

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- ...2. If you are mailing your application to USCIS, you must also submit
- ...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 document, such as a passport showing your picture, name, and date of birth; a birth certificate with photo ID; a visa issued by a foreign consulate; or a national ID document with photo and/or fingerprint. The identity document photocopy must clearly show the facial features of the applicant and the biographical information. 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.

#### C. You must submit ...

The passport-style photos must be 2" by 2". The photos must be in color with full face, frontal view on a white to off-white background. Head height should measure 1" to 1 3/8" from top to bottom of chin, and eye height is between 1 1/8" to 1 3/8" from bottom of photo. Your head must be bare unless you are wearing a headdress as required by a religious order of which you are a member. Using pencil or felt pen, lightly print your name and Alien Receipt Number on the back of the photo.

Special Filing Instructions for Those With Pending Asylum Applications ((c)(8))

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... Asylum application under the ABC

### [Page 6]

- ...2. If you are mailing your application to USCIS, you must also submit
- ...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 document, such as a passport showing your picture, name, and date of birth; a birth certificate with photo ID; a visa issued by a foreign consulate; or a national ID document with photo and/or fingerprint. The identity document photocopy must clearly show the facial features of the applicant and the biographical information. If you are filing under the (c)(33) category, additional documentation beyond what you submit under "3. What Documents Do You Need to Provide to Prove Identity?" of the filing instructions for Form I-821D, Consideration of Deferred Action for Childhood Arrivals, is not required.

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### C. You must submit ...

The passport-style photos must be 2" by 2". The photos must be in color with full face, frontal view on a white to off-white background. Head height should measure 1" to 1 3/8" from top to bottom of chin, and eye height is between 1 1/8" to 1 3/8" from bottom of photo. Your head must be bare unless you are wearing headwear as required by a religious order of which you are a member. Using pencil or felt pen, lightly print your name and Alien Receipt Number on the back of the photo.

Special Filing Instructions for Those With Pending Asylum Applications ((c)(8))

... Asylum application under the ABC

	Settlement Agreement (c)(8)	Settlement Agreement (c)(8)
	<b>2.</b> Write "(c)(8)" in <b>Section 16</b> of the application	<b>2.</b> Write "(c)(8)" in <b>Question 16</b> of the application
Page 7-8, What Is the	[Page 8]	[Page 8]
Filing Fee?	Incorrect Card: No fee is required if you are filing only because the card issued to you was incorrect due to a USCIS administrative error. However, if the error was not caused by USCIS, both application and biometrics services fees are required.	Card Error:  (a) If the card issued to you contains incorrect information that is not attributed to USCIS error, a new Form I-765 and filing fee are required. Form I-765 must be accompanied by the card containing the error.
	You may be eligible for a fee waiver under 8 CFR 103.7(c).	(b) If the card issued to you contains incorrect information that is attributed to a USCIS error, a new Form I-765 and filing fee are not required. Instead, you must submit a letter, accompanied by the card containing the error to the Service
	<b>NOTE</b> : 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	Center or National Benefit Center that approved your last employment authorization request.
	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,	You may be eligible for a fee waiver under 8 CFR 103.7(c) if you are filing for an EAD related to your application or grant of TPS.
	2007.	[Page 9]
		<b>NOTE</b> : If you filed Form I-485, Application to Register Permanent Residence or Adjust Status, as of July 30, 2007, <i>and you paid the Form I-485 filing fee</i> , no fee is required to also file a request for employment authorization on Form I-765. You may file the Form I-765 with your Form I-485, or you may submit the Form 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.
Page 8-11, Where to File?		[Page 9]

**E-Filing Form I-765:** Certain Form I-765 filings may be electronically filed (e-filed) with USCIS. View our Web site at www.uscis.gov/I-765 for a list of who is eligible to e-file this form and instructions.

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**Paper Filing of Form I-765:** Please note that the filing locations for the paper version of this form are subject to change. Read the instructions carefully to determine where you must send your paper application.

Replacement EAD with an error that is the fault of USCIS: If you are completing a Form I-765 for replacement of an EAD that contains an error caused by USCIS, you must submit this form, accompanied by the card containing the error to the Service Center or National Benefit Center that approved your last employment authorization request. Please do not submit these applications to a USCIS Lockbox facility.

If your response to Question 16 is (a)(11), Deferred Enforced Departure (DED)...

If your response to Question 16 is (c)(33), Consideration of Deferred Action for Childhood Arrivals...

File at the USCIS Vermont Service Center if your response to Question 16 is...

File according to the instructions in the Federal Register Notice for your particular country's TPS designation if your response to Question 16 is...

File at the USCIS Chicago Lockbox facility listed below if your response to Ouestion 16 is...

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File at the USCIS Chicago Lockbox facility listed below if your response to Question 16 is...

Please visit the USCIS Web site at <a href="https://www.uscis/gov/I-765">www.uscis/gov/I-765</a> or contact the USCIS National Customer Service Center at **1-800-375-5283** for the most current information about where to file this benefit request. For TDD (hearing impaired) call: **1-800-767-1833**.

File through your principal's sponsoring organization if your response to Question 16 is...

File at the USCIS California Service Center if your response to Question 16 is (c)(12), Spouse of an E-2 CNMI Investor...

For all other Form I-765s, file at the USCIS Phoenix or Dallas Lockbox facilities based on where you live...

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**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.

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.)

#### **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."

# **Questions Regarding Form I-765**

For additional information about Form I-765, including how to file your application or filing locations not mentioned, call the USCIS National Customer Service Center at 1-800-375-5283 or visit our Web site at www.uscis.gov. For TDD (hearing impaired)

	call: <b>1-800-767-1833</b> .	
New		[Page 9]
		Address Changes If you have changed your address, you must inform USCIS of your new address. For information on filing a change of address go to the USCIS Web site at <a href="https://www.uscis.gov/addresschange">www.uscis.gov/addresschange</a> or contact the USCIS National Customer Service Center at 1-800-375-5283. For TDD (hearing impaired) call: 1-800-767-1833.  NOTE: Do not submit a change of address request to USCIS Lockbox facilities because USCIS Lockbox facilities do not process change of address requests.
Page 11, Processing Information	[See below]	[Page 11]  Approval [Moved before "Interim EAD"]
	[See below]	Denial [Moved before "Interim EAD"]
		[Page 10]
	<b>Interim EAD.</b> If you have not received a decision within 90 days of receipt by USCIS of a properly filed EAD application or within 30 days of a properly filed initial EAD application based on an asylum application filed on or after January 4, 1995, you may request interim work authorization by calling the USCIS National Customer Service Center at <b>1-800-375-5283</b> or by appearing in person at your local USCIS Field Office by making an <b>InfoPass</b> appointment. For further processing at a USCIS Field Office, you must bring proof of identity and any notices that you have received from USCIS in connection with your application for employment authorization. <i>The Interim EAD provisions apply to individuals filing Form I-</i>	<b>Interim EAD.</b> If you have not received a decision within 90 days of receipt by USCIS of a properly filed EAD application or within 30 days of a properly filed initial EAD application based on an asylum application filed on or after January 4, 1995, you may request interim work authorization by calling the USCIS National Customer Service Center at <b>1-800-375-5283</b> or by appearing in person at your local USCIS Field Office by making an <b>InfoPass</b> appointment. For TDD (hearing impaired) call: <b>1-800-767-1833</b> . For further processing at a USCIS Field Office, you must bring proof of identity and any notices that you have received from USCIS in connection with your application for employment authorization. <i>The Interim</i>

	765 based on Consideration of Deferred Action for Childhood Arrivals only after a determination on deferred action is reached.	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.
	Approval	[See above]
	Denial	[See above]
Page 11. USCIS Forms and Information	You can get USCIS forms and immigration-related information on the USCIS Internet Web site at <a href="https://www.uscis.gov">www.uscis.gov</a> . You may order USCIS forms by calling our toll-free number at 1-800-870-3676. You may also obtain forms and information by calling our USCIS National Customer Service Center at 1-800-375-5283.	[Page 10]  To ensure you are using the latest version of this form, visit the USCIS Web site at www.uscis.gov where you can get USCIS forms and immigration-related information. If you do not have internet access, you may order USCIS forms by calling our toll-free number at 1-800-870-3676. You may also obtain forms and information by calling our USCIS National Customer Service Center at 1-800-375-5283. For TDD (hearing impaired) call: 1-800-767-1833.
	As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our Internet-based system, <b>InfoPass</b> . To access the system, visit our Web site. Use the <b>InfoPass</b> appointment scheduler and follow the screen prompts to set up your appointment. <b>InfoPass</b> generates an electronic appointment notice that appears on the screen.	As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through the USCIS Internet-based system, InfoPass. To access the system, visit the USCIS Web site. Use the InfoPass appointment scheduler and follow the screen prompts to set up your appointment. InfoPass generates an electronic appointment notice that appears on the screen.
Page 11, Privacy Act Notice		[Page 10] USCIS Privacy Act Statement
	We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested	AUTHORITIES: The information requested on this form, and the associated evidence, is collected under the Immigration and Nationality Act, section 101, et seq.  PURPOSE: The primary purpose for providing the requested information on this form is to determine if you have established eligibility for the immigration benefit for

evidence may delay a final decision or result in denial of your form.

which you are filing. The information you provide will be used to grant or deny the benefit sought.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision or result in denial of your form.

ROUTINE USES: The information you provide on this form may be shared with other Federal, State, local, and foreign government agencies and authorized organizations following approved routine

USCIS-001 — Alien File, Index, and National File Tracking System of Records, which can be found at <a href="https://www.dhs.gov/privacy">www.dhs.gov/privacy</a>]. The information may also be made available, as appropriate, for law enforcement purposes or in the interest of national security.

uses described in the associated published system of records notices [DHS-USCIS-007 – Benefits Information System and DHS-