

TABLE OF CHANGES – INSTRUCTIONS
FORM I-765, Application for Employment Authorization
10/22/2013

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 106(a)-(b) of the American Competitiveness in the Twenty-First Century Act (AC21) or that the H-1B principal has an approved Immigrant Petition for Alien Worker (I-140). Documentation may include:</p> <ol style="list-style-type: none"> 1. Evidence that the principal H-1B nonimmigrant is the beneficiary of an approved Immigrant Petition for Alien Worker (I-140); or 2. Evidence that the principal H-1B nonimmigrant’s Labor Certification Application or I-140 petition has been pending for more than 365 days, or evidence that the H-1B principal is the beneficiary of an unexpired Labor Certification Application that was filed more than 365 days ago, along with copies 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, current and prior Forms I-797 copies of pay stubs); and 3. Copy of the H-4 dependent spouse’s current approval notice of stay or Form I-94 evidencing admission as an H-4 nonimmigrant pursuant to the H-1B nonimmigrant’s approved extension of stay based on sections 106(a)-(b) of AC21. 4. Secondary evidence may be considered in lieu of the evidence listed above, such as, but not limited to: an attestation by the H-1B nonimmigrant regarding his or her extension or I-140 petition approval, petition receipt numbers, or copies of any relevant petitions or receipt notices. Appropriate secondary evidence allows USCIS to verify whether the H-1B nonimmigrant’s status is based on section 106(a)-(b) of AC21.