

**TABLE OF CHANGES – INSTRUCTIONS**  
**Form I-765, Application for Employment Authorization**  
**OMB Number: 1615-0040**  
**12/05/2016**

**Reason for Revision:** AC21 NPRM and **NATO updates and fee rule language**. Document was reformatted, including numbering.

Current Page Number and Section	Current Text	Proposed Text
<p><b>Page 1,</b></p> <p><b>What is the Purpose of This Form?</b></p>	<p>[Page 1]</p> <p>...</p> <p><b>Interim EAD:</b> An EAD issued to an eligible applicant when USCIS has failed to adjudicate an application within 90 days 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. The interim EAD will be granted for a period not to exceed 240 days and is subject to the conditions noted on the document. <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 1]</p> <p>...</p> <p>[delete]</p>
<p><b>Pages 1-7,</b></p> <p><b>Who May File Form I-765?</b></p>	<p>[Page 1]</p> <p><b>Who May File Form I-765...</b></p> <p>Asylee/Refugee and Their Spouses and Children... <b>Page 1</b></p> <p>Nationality Categories... <b>Page 1</b></p> <p>Foreign Students... <b>Page 2</b></p> <p>Eligible Dependents of Employees of Diplomatic Missions, International Organization, or NATO... <b>Page 3</b></p> <p>Employment-Based Nonimmigrants... <b>Page 3</b></p> <p>Family-Based Nonimmigrants... <b>Page 4</b></p> <p>Adjustment-of-Status Categories... <b>Page 5</b></p> <p>Other Categories... <b>Page 5</b></p> <p>[Page 3]</p> <p><b>C. Dependent of NATO-1 Through NATO-6--(c)(7).</b> Submit Form I-765 with Form I-566, Interagency Record of Request-A, G, or NATO Dependent Employment Authorization or</p>	<p>[Page 1]</p> <p><b>Who May File Form I-765...</b></p> <p>Asylee/Refugee and Their Spouses and Children... <b>Page 2</b></p> <p>Nationality Categories... <b>Page 2</b></p> <p>Foreign Students... <b>Page 3</b></p> <p>Eligible Dependents of Employees of Diplomatic Missions, International Organization, or NATO... <b>Page 3</b></p> <p>Employment-Based Nonimmigrants... <b>Page 4</b></p> <p>Family-Based Nonimmigrants... <b>Page 9</b></p> <p>Adjustment-of-Status Categories... <b>Page 9</b></p> <p>Other Categories... <b>Page 9</b></p> <p>[Page 3]</p> <p><b>C. Dependent of NATO-1 Through NATO-6--(c)(7).</b> <b>If you are a dependent of a NATO nonimmigrant who is stationed at Supreme Allied Command Transformation (SACT), NATO/HQ,</b> submit Form I-765</p>

Change/Adjustment to/from A, G, or NATO Status, Dependent Employment Authorization, to NATO SAACLANT, 7857 Blandy Road, C-027, Suite 100, Norfolk, VA 23551-2490. NATO/SAACLANT will forward all favorably endorsed applications directly to the Nebraska Service Center for adjudication.

with Form I-566, Interagency Record of Request-A,G, or NATO Dependent Employment Authorization or Change/Adjustment to/from A, G, or NATO Status, to:

**[Page 4]**

**USLO to NATO/HQ SACT**  
**7857 Blandy Road, Suite 200**  
**Norfolk, VA 23551-2491**

If you are a dependent of a NATO nonimmigrant who is stationed outside of NATO/HQ SACT, submit Form I-765 with Form I-566, to the Defense Attaché's Office at the embassy of the NATO member that employs the principal alien. For more details on NATO member embassy contacts and on documents required, visit the DOS website [www.state.gov/ofm](http://www.state.gov/ofm) under the topic "Dependent Work Authorization."

If you have questions regarding the process or document requirements, email [OFM-EAD@state.gov](mailto:OFM-EAD@state.gov).

**[Page 4]**

**...G. Spouse of an H-1B Nonimmigrant --(c)(26).** File Form I-765 along with documentation of your current H-4 admission or extension of stay. You must also submit documentation establishing either that the H-1B principal has an approved Immigrant Petition for Alien Worker (Form I-140), or that your current H-4 admission or extension of stay was approved pursuant to the principal H-1B nonimmigrant's admission or extension of stay based on sections 106(a) and (b) of the American Competitiveness in the Twenty-First Century Act (AC21). For your convenience, you may file Form I-765 with Form I-539, Application to Extend/Change Nonimmigrant Status. However, USCIS will not process Form I-765 (except filing fees), until after USCIS has adjudicated Form I-539. You may also file Form I-765

**...G. Spouse of an H-1B Nonimmigrant – (c)(26).** File Form I-765 along with documentation of your current H-4 admission or extension of stay. You must also submit documentation establishing either that the H-1B principal has an approved Immigrant Petition for Alien Worker (Form I-140), or that your current H-4 admission or extension of stay was approved pursuant to the principal H-1B nonimmigrant's admission or extension of stay based on sections 106(a) and (b) of the American Competitiveness in the Twenty-First Century Act (AC21). For your convenience, you may file Form I-765 with Form I-539, Application to Extend/Change Nonimmigrant Status. However, USCIS will not process Form I-765 (except filing fees), until after USCIS has adjudicated Form I-539. You may also file Form I-765 at the same time as Form I-539 **and** Form

	<p>at the same time as Form I-539 <b>and</b> Form I-129, Petition for a Nonimmigrant Worker. The 90-day period for adjudicating Applications for Employment Authorization (Form I-765) filed together with Form I-539 does not begin until USCIS has determined whether you are eligible for the underlying H-4 nonimmigrant status, and that the principal is eligible for H-1B status. Please see the USCIS Web site at <a href="http://www.uscis.gov/I-765">www.uscis.gov/I-765</a> for the most current information on where to file this benefit request.</p> <p>...</p> <p><b>(b) H-1B Principal Received AC21 106(a) and (b) Extension.</b> Submit evidence that the principal H-1B nonimmigrant has received an extension of stay under AC21 106(a) and (b). You may show this by submitting copies of the H-1B principal's passports, prior Forms I-94, and current and prior Forms I-797 for Form I-129. In addition, please submit evidence to establish one of the following bases for the H-1B extension of stay:</p> <p><b>Based on Filing of a Permanent Labor Certification Application.</b> Submit evidence that the H-1B principal is the beneficiary of a Permanent Labor Certification Application that was filed at least 365 days prior to the expiration of the 6-year limitation of stay. You may show this by submitting a copy of a print out from the Department of Labor's (DOL's) Web site or other correspondence from DOL showing the status of the H-1B principal's Permanent Labor Certification Application. If DOL certified the Permanent Labor Certification, you must also submit a copy of Form I-797 Notice of Receipt for Form I-140 establishing that the Form I-140 was filed within 180 days of DOL certifying the Permanent Labor Certification; or</p> <p><b>Based on a Pending Form I-140.</b> If the preference category sought for the principal</p>	<p>I-129, Petition for a Nonimmigrant <b>Worker</b>. <b>Please</b> see the USCIS Web site at <a href="http://www.uscis.gov/I-765">www.uscis.gov/I-765</a> for the most current information on where to file this benefit request.</p> <p><b>[Page 5]</b></p> <p>...</p> <p><b>(b) H-1B Principal Received AC21 106(a) and (b) Extension.</b> Submit evidence that the principal H-1B nonimmigrant has <b>been admitted or granted</b> an extension of stay under AC21 106(a) and (b). You may show this by submitting copies of the H-1B principal's passports, prior Forms I-94, and current and prior Forms I-797 for Form I-129. In addition, please submit evidence to establish one of the following bases for the H-1B extension of stay:</p> <p><b>Based on Filing of a Permanent Labor Certification Application.</b> Submit evidence that the H-1B principal is the beneficiary of a Permanent Labor Certification Application that was filed at least 365 days prior to the <b>date the period of admission authorized under AC21 106(a) and (b) takes effect</b>. You may show this by submitting a copy of a print out from the Department of Labor's (DOL's) Web site or other correspondence from DOL showing the status of the H-1B principal's Permanent Labor Certification Application. If DOL certified the Permanent Labor Certification, you must also submit a copy of Form I-797 Notice of Receipt for Form I-140 establishing that the Form I-140 was filed within 180 days of DOL certifying the Permanent Labor Certification; or</p> <p><b>Based on a Pending Form I-140.</b> If the preference category sought for the principal H-1B spouse does not require a Permanent</p>
--	---	---

	<p>H-1B spouse does not require a Permanent Labor Certification Application with DOL, submit evidence that the H-1B principal's Form I-140 was filed at least 365 days prior to the expiration of the 6-year limitation of stay and remains pending. You may show this by submitting a copy of the Form I-797 Notice of Receipt for Form I-140.</p> <p><b>4. Secondary Evidence.</b> If you do not have the evidence listed in 1, 2, or 3 above, you may ask USCIS to consider other evidence ("secondary evidence") in support of your application for employment authorization as an H-4 spouse. For example, in establishing the Basis for Employment Authorization as described in 3a and 3b, you may submit the receipt number of the H-1B principal's most current Form I-129 extension of stay or the receipt number of the H-1B principal's approved Form I-140 petition.</p> <p>Failure to provide the evidence listed above or secondary evidence may result in the delay or denial of your application for employment authorization. For additional information on secondary evidence, see <b>Evidence</b> in the <b>General Instructions</b> section.</p>	<p>Labor Certification Application with DOL, submit evidence that the H-1B principal's Form I-140 was filed at least 365 days prior to the <b>date the period of admission authorized under AC21 106(a) and (b) takes effect</b>. You may show this by submitting a copy of the Form I-797 Notice of Receipt for Form I-140.</p> <p><b>(4) Secondary Evidence.</b> If you do not have the evidence listed in 1, 2, or 3 above, you may ask USCIS to consider other evidence ("secondary evidence") in support of your application for employment authorization as an H-4 spouse. For example, in establishing the Basis for Employment Authorization as described in 3a and 3b, you may submit the receipt number of the H-1B principal's most current Form I-129 extension of stay or the receipt number of the H-1B principal's approved Form I-140 petition.</p> <p>Failure to provide the evidence listed above or secondary evidence may result in the delay or denial of your application for employment authorization. For additional information on secondary evidence, see <b>Evidence</b> in the <b>General Instructions</b> section.</p> <p><b>H. Principal Beneficiary of an Approved Employment-Based Immigrant Petition Facing Compelling Circumstances--(c)(35).</b> File Form I-765 with documents showing that you are eligible for an initial grant or a renewal of employment authorization under the (c)(35) eligibility category.</p> <p><b>Initial Application:</b> If this is your first application for compelling circumstances employment authorization under the (c)(35) eligibility category, <b>and</b> an immigrant visa number is not yet available to you, you may be eligible if:</p> <p><b>(1)</b> You have a Form I-140 approved on your behalf;</p> <p><b>(2)</b> You are in the United States in a valid E-3, H-1B, H-1B1, O-1, or L-1 nonimmigrant status; and</p> <p><b>(3)</b> You face compelling circumstances.</p>
--	---	---

**See “Supporting Evidence by Principal” for more information regarding what documents to submit with your application, including additional requirements where you have been convicted of certain crimes.**

**[Page 6]**

**Renewal Application:** If you already have employment authorization under the (c)(35) eligibility category, you may be eligible for renewal if:

**(1)** You have a Form I-140 approved on your behalf;

**(2)** You face compelling circumstances **and** an immigrant visa is not authorized for issuance based on your priority date according to the relevant Final Action Date in the Department of State Visa Bulletin in effect on the date the application for a renewal of employment authorization is filed; **OR**

The difference between your priority date and the Final Action Date for your preference category and country of chargeability is one year or less according to the Department of State Visa Bulletin in effect on the date your renewal application is filed. This means that your priority date cannot be more than 1 year earlier or 1 year later than the Department of State cut-off date in the Visa Bulletin applicable to your preference category and country of chargeability in effect on the date your renewal application is filed. If this is the basis for your renewal application, you are not required to show compelling circumstances; **AND**

**(3)** You file your renewal application on Form I-765 with USCIS before your current employment authorization expires.

You are not required to be in a valid nonimmigrant status when you file your renewal application.

**See “Supporting Evidence by Principal” for more information regarding what documents to submit with your**

**application, including additional requirements where you have been convicted of certain crimes.**

**[Page 6]**

**Supporting Evidence by Principal**

**(1) Proof You Are in the United States in E-3, H-1B, H-1B1, O-1, or L-1 Nonimmigrant Status.** For initial applications, submit a copy of your Arrival-Departure Record (Form I-94) showing your admission as an E-3, H-1B, H-1B1, O-1, or L-1 nonimmigrant, or a copy of your current Form I-797 approval notice for Form I-129.

**(2) Proof of Your Approved Form I-140.** For initial and renewal applications, submit a copy of a Form I-797 approval notice for Form I-140 showing the Immigrant Petition has been approved on your behalf.

**(3) Evidence You Are Facing Compelling Circumstances While You Wait For Your Immigrant Visa to Become Available.** For initial and, if applicable, renewal applications based on compelling circumstances, USCIS will review the documents you provide to determine, in its discretion, whether you have established compelling circumstances. USCIS makes this discretionary determination on a case-by-case basis according to the documents submitted and the totality of the record. You should submit any credible evidence you believe supports your claim of compelling circumstances.

**(4) Secondary Evidence.** If you do not have the evidence listed in 1 or 2 above, you may ask USCIS to consider other evidence ("secondary evidence") in support of your application for employment authorization.

For additional information on secondary evidence, see **Evidence** in the **General Instructions** section.

**(5) Proof of Arrests and Conviction.** For initial and renewal applications, you must

submit proof of any arrests and/or convictions. If you were ever convicted of a felony or two or more misdemeanors, you cannot be granted employment authorization under this eligibility category. USCIS will make the determination as to whether your crimes fall into either of these categories. You must, however, provide information and any supporting documentation on all crimes which you were convicted of so USCIS can make an appropriate decision.

**NOTE:** USCIS may, in its discretion, deny your application if you have been arrested and/or convicted of any crime.

Provide a certified copy of all arrest reports, court dispositions, sentencing documents, and any other relevant documents.

**[Page 7]**

#### **Traffic Violations and Arrests**

Do not select the “Yes” box for **Item Number 19.** on the form or submit documentation if you only have had minor traffic violations. Minor traffic violations do **NOT** include violations that are alcohol- or drug-related. If you were **ARRESTED** for any traffic offense, select the “Yes” box for **Item Number 19.b.** on the form and provide arrest and disposition documentation so USCIS can properly assess whether your arrest and/or conviction may impact your employment authorization eligibility.

**NOTE: Provide the conviction and disposition documentation even if your records were sealed, expunged, or otherwise cleared.** You must provide the documentation even if anyone, including a judge, law enforcement officer, or attorney told you that you no longer have a record or that you do not have to disclose the information.

Failure to provide the evidence listed above or secondary evidence may result in the delay or denial of your application for employment authorization.

	<p><b>I. Spouse or Unmarried Child of a Principal Beneficiary of an Approved Employment-Based Immigrant Petition--(c)(36).</b> File Form I-765 along with supporting documentation for an initial grant or a renewal of employment authorization under the (c)(36) eligibility category. You may file your application <b>WITH</b> your spouse's or parent's application under (c)(35). You may file your application while your spouse's or parent's application under (c)(35) is <b>PENDING</b> or <b>AFTER</b> your spouse's or parent's application has been approved by USCIS. If filing with your spouse's or parent's application, USCIS will not adjudicate your Form I-765 until after USCIS has adjudicated your spouse's or parent's Form I-765 first.</p> <p><b>Initial Application:</b> If this is your first application for employment authorization under the (c)(36) eligibility category, you may be eligible if:</p> <p><b>(1)</b> You are the spouse or unmarried child of an individual who is filing or who has been approved for compelling circumstances employment authorization under (c)(35) (See "Proof of Relationship to Principal Beneficiary of Form I-140" below);</p> <p><b>(2)</b> Your spouse's or parent's application for compelling circumstance employment authorization under (c)(35) has been approved or is pending with USCIS (<i>not required if you are filing your application at the same time as your spouse's or parent's application under (c)(35);</i> and</p> <p><b>(3)</b> You were in a valid nonimmigrant status when your spouse or parent applies for initial employment authorization under the (c)(35) eligibility category.</p> <p><b>See "Supporting Evidence by Spouse or Unmarried Child" below for more information regarding what documents to submit with your application, including additional requirements if you have been arrested or convicted.</b></p> <p><b>Renewal Application:</b> You may be eligible to renew your application under the</p>
--	---



(c)(36) eligibility category if:

**(1)** You file Form I-765 before your current employment authorization expires;

**(2)** You are the spouse or unmarried child of an individual who is filing or who has been approved for compelling circumstances employment authorization under (c)(35) (**See Proof of Relationship to the Principal Beneficiary of Form I-140** below); and

**(3)** Your spouse's or parent's application for compelling circumstance employment authorization under (c)(35) has been approved or is pending with USCIS (*not required if you are filing your application at the same time as your spouse's or parent's renewal application under (c)(35)*).

You are not required to be in a valid nonimmigrant status when you file your renewal application.

**See "Supporting Evidence by Spouse or Unmarried Child" below for more information regarding what documents to submit with your application, including additional requirements if you have been arrested or convicted.**

**[Page 8]**

**Supporting Evidence by Spouse or Unmarried Child**

**(1) Proof of Your Nonimmigrant Status.** For initial applications only, submit a copy of your Arrival-Departure Record (Form I-94) showing your admission as a nonimmigrant, a copy of your current Form I-797 approval notice for Form I-129, or a copy of your current Form I-797 approval notice for Form I-539.

**(2) Proof of Relationship to the Principal Beneficiary of the Approved Form I-140.** For initial and renewal applications, if you are applying as the spouse of a principal beneficiary of an approved Form I-140, submit a copy of the marriage certificate and if applicable,

		<p>copies of documents showing the legal termination of all other marriages by you or your spouse. If you are applying as the child of a principal beneficiary of an approved Form I-140, submit a copy of your birth certificate or other documents to demonstrate you qualify as the principal beneficiary's child. If you cannot submit a copy of your marriage certificate or birth certificate, USCIS will consider secondary evidence.</p> <p><b>(3) Proof the Spouse or Parent Principal Beneficiary was Granted or has Applied for Employment Authorization Under Eligibility Category (c)(35).</b> For initial and renewal applications, if you submit your Form I-765 after your spouse or parent receives employment authorization under eligibility category (c)(35), submit a copy of your spouse's or parent's employment authorization document or submit a copy of your spouse's or parent's Form I-797 approval notice for Form I-765.</p> <p>If your spouse's or parent's application under (c)(35) is <b>pending</b> when you file your Form I-765, submit a copy of your spouse's or parent's Form I-797 receipt notice for the pending Form I-765 application. USCIS will not adjudicate your Form I-765 until USCIS has adjudicated your spouse's or parent's Form I-765.</p> <p><b>(4) Secondary Evidence.</b> If you do not have the evidence listed in 1, 2, or 3 above, you may ask USCIS to consider other evidence ("secondary evidence") in support of your application for employment authorization.</p> <p>For additional information on secondary evidence, see <b>Evidence</b> in the <b>General Instructions</b> section.</p> <p><b>(5) Proof of Arrests and Convictions.</b> For initial and renewal applications, you must submit proof of any arrests and/or convictions. If you were ever convicted of a felony or two or more misdemeanors committed, you cannot be granted employment authorization under this eligibility category. USCIS will make the determination as to whether your crimes</p>
--	--	--

fall into either of these categories. You must, however, provide information and any supporting documentation on all crimes which you were convicted of so USCIS can make an appropriate decision.

**NOTE:** USCIS may, in its discretion, deny your application if you have been arrested and/or convicted of any crime.

Provide a certified copy of all arrest reports, court dispositions, sentencing documents, and any other relevant documents.

### **Traffic Violations and Arrests**

Do not select the “Yes” box for **Item Number 19.b.** on the form or submit documentation if you only have had minor traffic violations. Minor traffic violations do **NOT** include violations that are alcohol- or drug-related. If you were **ARRESTED** for any traffic offense, select the “Yes” box for **Item Number 19.b.** on the form and provide arrest and disposition documentation so USCIS can properly assess whether your arrest and/or conviction may impact your employment authorization eligibility.

**NOTE: Provide the conviction and disposition documentation even if your records were sealed, expunged, or otherwise cleared.** You must provide the documentation even if anyone, including a judge, law enforcement officer, or attorney, told you that you no longer have a record or that you do not have to disclose the information.

Failure to provide the evidence listed above or secondary evidence may result in the delay or denial of your application for employment authorization.

**[Page 9]**

**J. Department of State Visa Bulletin.** USCIS will adjudicate all applications for initial or renewal employment authorization according to the Visa Bulletin in effect on the date the application is filed. To see the current visa Bulletin, please go to

[www.state.gov/travel](http://www.state.gov/travel) and click the link to the Visa Bulletin.

**K. Priority Dates.** For more information about priority dates, please visit our Visa Availability and Priority Date website at [www.uscis.gov](http://www.uscis.gov).

**L. Filing Location.** Please see the USCIS website at [www.uscis.gov/I-765](http://www.uscis.gov/I-765) for the most current information on where to file your application for initial or renewal employment authorization under the (c)(35) or (c)(36) eligibility categories.

[Page 10]

**...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 information to establish your own economic necessity.

**(b)** USCIS will not begin adjudicating Form I-765 if filed together with Form I-821D until USCIS has decided whether to defer action in your case.

**(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

[Page 6]

**...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 information to establish your own economic necessity.

**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.

**c.** The fee for Form I-765 filed based on the Consideration of Deferred Action for Childhood Arrivals category cannot be

	<p>waived. Biometric collection and the biometric services fee for Form I-765 based on the Consideration of Deferred Action for Childhood Arrivals category is also required and cannot be waived...</p>	<p>biometric services fee for Form I-765 based on the Consideration of Deferred Action for Childhood Arrivals category is also required and cannot be waived...</p>
<p><b>Pages 9-10, What Is the Filing Fee?</b></p>	<p><b>[Page 9]</b></p> <p><b>What Is the Filing Fee...</b></p> <p><b>Special Instructions for Childhood Arrivals ((c)(33)).</b> All requestors under this category must submit biometrics. The biometrics services fee of \$85 is required for all requestors. <i>The biometrics services fee and the filing fee for this form cannot be waived...</i></p> <p><b>Renewal EAD...</b></p>	<p><b>[Page 15]</b></p> <p><b>What Is the Filing Fee?</b></p> <p><b>The filing fee for Form I-765 is \$410.</b></p> <p><b>Exceptions:</b></p> <p><b>Initial EAD.</b> If this is your initial application and you are applying under one of the following categories, a filing fee is <b>not</b> required:</p> <ol style="list-style-type: none"> <li>1. (a)(3) Refugee;</li> <li>2. (a)(4) Paroled as Refugee;</li> <li>3. (a)(5) Asylee;</li> <li>4. (a)(7) N-8 or N-9 nonimmigrant;</li> <li>5. (a)(8) Citizen of Micronesia, Marshall Islands, or Palau;</li> <li>6. (a)(10) Granted Withholding of Deportation;</li> <li>7. (a)(16) Victim of Severe Form of Trafficking (T-1);</li> <li>8. (a)(19) U-1 Nonimmigrant;</li> <li>9. (c)(1), (c)(4), or (c)(7) Dependent of certain foreign government, international organization, or NATO personnel;</li> <li>10. (c)(8) Applicant for asylum (an applicant filing under the special ABC procedures must pay the fee); or</li> <li>11. (c)(31) VAWA Self-Petitioner.</li> </ol> <p><b>Special Instructions for Childhood Arrivals ((c)(33)).</b> All requestors under this category must submit biometrics. The biometrics services fee of \$85 is required for all requestors. <i>The biometrics services fee and the filing fee for this form cannot be</i></p>

waived.

**Renewal EAD.** If this is a renewal application and you are applying under one of the following categories, a filing fee is **not** required:

[Page 10]

1. (a)(8) Citizen of Micronesia, Marshall Islands, or Palau;
2. (a)(10) Granted Withholding of Deportation;
3. (c)(1), (c)(4), or (c)(7) Dependent of certain foreign government, international organization, or NATO personnel;
4. (c)(9) or (c)(16) Adjustment applicant who applied after July 30, 2007.

**Replacement EAD.** If this is your replacement application, and you are applying under one of the following categories, a filing fee is **not** required:

1. (c)(1), (c)(4), or (c)(7) Dependent of certain foreign government, international organization, or NATO personnel.

**NOTE:** If you are requesting a replacement EAD under the (c)(9) or (c)(16) Adjustment applicant who applied after July 30, 2007 category, then the full filing fee will be required; however, no biometrics fee is required.

**Card Error:**

1. 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.
2. 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 Center or National Benefit Center that approved your last employment authorization request

**Use the following guidelines when you prepare your check or money order for the Form I-765 fee:**

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; **and**
2. Make the check or money order payable to **U.S. Department of Homeland Security.**

**NOTE:** Spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

**NOTE:** If you filed Form I-485, Application to Register Permanent Residence or Adjust Status, as of July 30, 2007, **and you paid the Form I-485 filing fee**, 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.

**Notice to Those Making Payment by Check.** If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and **your bank will show it** on your regular account statement.

You will not receive your original check back. We will destroy your original check, **but will keep a copy of it. If USCIS cannot process the EFT** for technical reasons, you

authorize us to process the copy in place of your original check. If your check is returned as unpayable, USCIS will re-submit the payment to the financial institution one time. If the check is returned as unpayable a second time, we will reject your application and charge you a returned check fee.

### **How to Check If the Fees Are Correct**

Form I-765's filing fee is current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify that the fees are correct by following one of the steps below.

1. Visit our website at [www.uscis.gov](http://www.uscis.gov), select "FORMS," and check the appropriate fee; or
2. Call the USCIS National Customer Service Center at 1-800-375-5283 and ask for fee information. For TTY (deaf or hard of hearing) call: 1-800-767-1833.

### **Fee Waiver**

You may be eligible for a fee waiver under 8 CFR 103.7(c), including if you are a TPS applicant. If you believe you are eligible for a fee waiver, complete Form I-912, Request for Fee Waiver (or a written request), and submit it and any required evidence of your inability to pay the filing fee with this application. You can review the fee waiver guidance at [www.uscis.gov/feewaiver](http://www.uscis.gov/feewaiver).

**Biometrics Services Fee for Beneficiaries of an Approved Employment-Based Immigrant Petition--(c)(35) and Spouses or Children of a Principal Beneficiary of an Approved Immigrant Petition--(c)(36).** All applicants under these categories must submit biometrics. An additional biometric services fee of \$85 is required for applicants 14 to 79 years of age, unless waived.



<p><b>Page 12, Processing Information</b></p>	<p><b>[Page 12]</b></p> <p><b>Processing Information...</b></p> <p><b>Denial.</b> If your application cannot be granted, you will receive a written notice explaining the basis of your denial.</p> <p><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 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><b>[Page 16]</b></p> <p><b>Processing Information...</b></p> <p><b>Denial.</b> If your application cannot be granted, you will receive a written notice explaining the basis of your <b>denial</b>.</p> <p>[delete]</p>
---	---	--