

TABLE OF CHANGES – INSTRUCTIONS
Form I-765, Application for Employment Authorization
OMB Number: 1615-0040
10/08/2019

Reason for Revision: 2019 Fee Rule.

Legend for Proposed Text:

- Black font = Current text
- **Red font** = Changes

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Current Page Number and Section	Current Text	Proposed Text
<p>Pages 1-14,</p> <p>Who May File Form I-765?</p>	<p>[Page 3]</p> <p>Who May File Form I-765?</p> <p>...</p> <p>4. Nicaraguan Adjustment and Central American Relief Act (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 (Pursuant to Section 203 of Public Law 105-100 (NACARA)), to determine if you are eligible to apply for NACARA 203 relief.</p> <p>If you are eligible to apply for NACARA 203 relief with USCIS, you may file Form I-765 together with your Form I-881. See our website at www.uscis.gov/I-881 for the most current information on where to file Form I-881. If you are eligible to file Form I-881 with EOIR, or if you have already filed Form I-881 with USCIS or EOIR, see the Where to File section of these Instructions.</p> <p>If you are filing for an EAD related to your NACARA application, you may be eligible for a fee waiver under 8 CFR 106.33.7(c) (3)(xi).</p> <p>5. Dependent of TECRO E-1 Nonimmigrant--(c)(2). File Form I-765</p>	<p>[Page 3]</p> <p>Who May File Form I-765?</p> <p>...</p> <p>[no change]</p> <p>If you are eligible to apply for NACARA 203 relief with USCIS, you may file Form I-765 together with your Form I-881. See our website at www.uscis.gov/I-881 for the most current information on where to file Form I-881. If you are eligible to file Form I-881 with EOIR, or if you have already filed Form I-881 with USCIS or EOIR, see the Where to File section of these Instructions.</p> <p>[delete]</p> <p>5. Dependent of TECRO E-1 Nonimmigrant--(c)(2). File Form I-765</p>

	<p>with the required certification from the American Institute in Taiwan if you are the spouse or unmarried dependent son or daughter of an E-1 employee of the Taipei Economic and Cultural Representative Office.</p> <p>...</p> <p>[Page 11]</p> <p>...</p> <p>Adjustment of Status Categories</p> <p>1. Adjustment Applicant under Section 245--(c)(9). File Form I-765 together with Form I-485, Application to Register Permanent Residence or Adjust Status, or if filing separately, submit a copy of your I-485 receipt notice or other evidence that your Form I-485 is pending.</p> <p>NOTE: If you are an asylee or refugee and have applied to adjust to lawful permanent resident status on Form I-485, file Form I-765 under category (a)(5) as an asylee or (a)(3) as a refugee. Do not file under eligibility category (c)(9). You will need to pay the filing fee or obtain a fee waiver for Form I-765 if your Form I-485 is still pending with USCIS and this is not your first EAD as a refugee or asylee and you did not pay the Form I-485 filing fee for any reason.</p> <p>...</p> <p>[Page 12]</p> <p>...</p> <p>(1) You must file Form I-765 Worksheet to demonstrate that you have an economic necessity to work. We will consider whether you have an economic necessity 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. If you would like to provide an explanation, complete Part 3. Explanation of the worksheet. Supporting evidence is not required, but USCIS will accept and review any documentation that you submit. You do not need to include other household members' financial information to establish</p>	<p>with the required certification from the American Institute in Taiwan if you are the spouse or unmarried dependent son or daughter of an E-1 employee of the Taipei Economic and Cultural Representative Office.</p> <p>...</p> <p>[Page 11]</p> <p>[no change]</p> <p>NOTE: If you are an asylee or refugee and have applied to adjust to lawful permanent resident status on Form I-485, file Form I-765 under category (a)(5) as an asylee or (a)(3) as a refugee. Do not file under eligibility category (c)(9). You will need to pay the filing fee for Form I-765 if your Form I-485 is still pending with USCIS and this is not your first EAD as a refugee, even if you did not pay the Form I-485 filing fee for any reason.</p> <p>...</p> <p>[no change]</p>
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	<p>your own economic necessity.</p> <p>(2) The filing fee for Form I-765 is based on the Consideration of Deferred Action for Childhood Arrivals category and the associated biometric services fee cannot be waived. However, we may waive the collection of certain biometrics.</p> <p>9. Final Order of Deportation or Removal, including Deferral of Removal under the Convention Against Torture--(c)(18). File Form I-765 with a copy of the EOIR IJ’s Order of Removal and Form I-220B, Order of Supervision (if any). Additional factors that may be considered include, but are not limited to, the following: ... 18. A-3 or G-5 Nonimmigrant--(c)(14). If you have filed a pending civil action against your employer because your employer violated the terms of your employment contract or conditions of your employment, you may file Form I-765 to request deferred action and receive work authorization. File Form I-765 with a copy of the civil complaint filed in court and proof of lawful admission into the United States in A-3 or G-5 status (for example, a copy of your passport with your A-3 or G-5 nonimmigrant visa). If you are requesting renewal after your initial employment authorization is granted, file Form I-765 with evidence that the civil case is still pending (for example, a recent court docket update).</p> <p>[new]</p>	<p>(2) The filing fee for Form I-765 is based on the Consideration of Deferred Action for Childhood Arrivals category cannot be waived.</p> <p>[no change]</p> <p>...</p> <p>[no change]</p> <p>19. Applicants for Special Immigrant Status based on an approved Form I-360 as an Afghan or Iraqi Translator or Interpreter, Iraqi National employed by or on behalf of the U.S. Government, or Afghan National employed by or on behalf of the U.S. government or employed by the International Security Assistance Forces (“ISAF”) may also request employment authorization.</p>
<p>Pages 14-15, General Instructions</p>	<p>[Page 14] General Instructions ... Filing Fee. Each application must be accompanied by the appropriate filing fee. (See the What Is the Filing Fee section of</p>	<p>[Page 14] General Instructions ... Filing Fee. Each application must be accompanied by the appropriate filing fee. (See the What Is the Filing Fee section of</p>

	<p>these Instructions.)</p> <p>[Page 15]</p> <p>Biometric Services Fee. If you file this application with USCIS, you do not need to include a biometric services fee at the time you submit your application. If you are later notified that you must submit biometrics, you will receive a biometric services appointment notice with instructions on how to submit the additional biometric services fee. If you file this application with an agency other than USCIS, please check with that agency to determine if and when you must submit a biometric services fee.</p> <p>Evidence. At the time of filing, you must submit all evidence and supporting documents listed in the Required Documentation section of these Instructions. If you do not have and cannot get a required document, you must demonstrate this and provide secondary evidence. If secondary evidence does not exist or is unavailable, you must demonstrate both the unavailability of the required document and the relevant secondary evidence and submit two or more sworn affidavits by people not named on this application who have direct knowledge of the event and circumstances. ...</p> <p>Translations. If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English. The certification must include the translator’s signature. DHS recommends the certification contain the translator’s printed name, the signature date, and the translator’s contact information.</p> <p>[new]</p>	<p>these Instructions.)</p> <p>[Page 15]</p> <p>[delete]</p> <p>Evidence. At the time of filing, you must submit all evidence and supporting documents listed in the Required Documentation section of these Instructions. If you do not have and cannot get a required document, you must demonstrate this and provide secondary evidence. If secondary evidence does not exist or is unavailable, you must demonstrate both the unavailability of the required document and the relevant secondary evidence and submit two or more sworn affidavits by people not named on this application who have direct knowledge of the event and circumstances. ...</p> <p>Translations. If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English. The certification must include the translator’s signature. DHS recommends the certification contain the translator’s printed name, the signature date, and the translator’s contact information.</p> <p>Delivery Information. If your application is approved, your ensuing document (Permanent Resident Card, Employment Authorization Document, or Travel Document) will be delivered using the</p>
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	<p>How To Fill Out Form I-765</p> <p>...</p>	<p>United States Postal Service's (USPS) Signature Confirmation Restricted Delivery service. You will be required to sign for delivery of your document. You must provide identification as requested by USPS. If you are not able to sign for your document, you may designate an agent to sign on your behalf. To do this you must complete either the US Postal Service Form 3801 and submit it to your local Post Office, or the Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, if you would like your attorney or accredited representative to receive the document.</p> <p>How To Fill Out Form I-765</p> <p>...</p>
<p>Pages 16-19,</p> <p>Specific Instructions</p>	<p>[Page 16]</p> <p>Specific Instructions</p> <p>Part 1. Reason for Applying.</p> <p>You must select one Item Number that best describes your reason for applying:</p> <p>Item Number 1.a. Initial permission to accept employment.</p> <p>...</p>	<p>[Page 16]</p> <p>Specific Instructions</p> <p>Part 1. Reason for Applying.</p> <p>You must select one Item Number that best describes your reason for applying:</p> <p>Item Number 1.a. Initial permission to accept employment.</p> <p>...</p>
<p>Pages 19-22,</p> <p>Required Documentation</p>	<p>[Page 22]</p> <p>Required Documentation</p> <p>...</p> <p>Asylum application under the ABC Settlement Agreement--(c)(8). If you are a Salvadoran or Guatemalan national eligible for benefits under the ABC settlement agreement, American Baptist Churches v. Thornburgh, 760 F. Supp. 976 (N.D. Cal. 1991), you are entitled to an EAD under the ABC settlement agreement. Follow the instructions contained in this section when filing your Form I-765.</p> <p>You must have filed your asylum application (Form I-589) with us (INS or USCIS) or with an EOIR IJ to receive an EAD. Therefore, submit evidence that you have previously filed a complete asylum application when you submit Form I-765. You are not required to submit this</p>	<p>[Page 22]</p> <p>Required Documentation</p> <p>...</p> <p>[no change]</p>

	<p>evidence when you apply, but it will help us process your request more efficiently.</p> <p>If you are requesting an initial EAD under this category, you do not need to pay the filing fee. If you are requesting a renewal or replacement EAD, you must pay the filing fee. Mark your application as follows:</p> <ol style="list-style-type: none"> 1. Type or print “ABC” in the top right corner of your EAD application. You must identify yourself as an ABC class member if you are applying for an EAD under the ABC settlement agreement. 2. Type or print “(c)(8)” in Part 2., Item Number 27., of the application. 3. Select the box in Part 3., Item Number 6., of this application. <p>You are entitled to an EAD without regard to the merits of your asylum claim.</p> <p>Your Form I-765 will be decided within 60 days if:</p> <ol style="list-style-type: none"> 1. You pay the filing fee; 2. You have a complete pending asylum application on file; and 3. You correctly mark your application as described above. You must pay the filing fee for an initial EAD request. If you cannot pay the filing fee for an EAD, you may apply for a fee waiver under 8 CFR 103.7(c). <p>...</p>	<p>Mark your application as follows:</p> <p>[no change]</p> <p>3. You correctly mark your application as described above. You must pay the filing fee for an initial EAD request unless exempt or eligible for a fee waiver under 8 CFR 106.3.</p> <p>...</p>
<p>Pages 22-25,</p> <p>What Is the Filing Fee?</p>	<p>[Page 22]</p> <p>What Is the Filing Fee?</p> <p>The filing fee for Form I-765 is \$410.</p> <p>NOTE: The filing fee is not refundable, regardless of any action USCIS takes on this application. DO NOT MAIL CASH. You must submit all fees in the exact amounts.</p>	<p>[Page 22]</p> <p>What Is the Filing Fee?</p> <p>The filing fee for Form I-765 is \$490.</p> <p>NOTE: The filing fee is not refundable, regardless of any action USCIS takes on this application. DO NOT MAIL CASH. You must submit all fees in the exact amounts.</p>

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Special Instructions for TPS Applicants.

If you are requesting an EAD as an initial TPS applicant, you must pay the Form I-765 filing fee, unless you are under 14 years of age or over 65 years of age. If you are a TPS beneficiary requesting an EAD when filing for TPS re-registration, you must pay the Form I-765 filing fee, regardless of your age.

Special Instructions for Deferred Action for Childhood Arrivals--(c)(33).

All requestors under this category must pay the biometric services fee of **\$85**. The biometric services fee and the filing fee for this application cannot be waived.

Special Instructions 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.

Exceptions

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

1. (a)(3) Refugee;
2. (a)(4) Paroled as Refugee;
3. (a)(5) Asylee;
4. (a)(7) N-8 or N-9 nonimmigrant;
5. (a)(8) Citizen of Micronesia, Marshall Islands, or Palau;
6. (a)(10) Granted Withholding of Deportation;
7. (a)(16) Victim of Severe Form of Trafficking (T-1 Nonimmigrant);
8. (a)(12) or (c)(19) Temporary Protected

[delete]

Special Instructions 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**.

Exceptions

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

[no change]

[delete]

3. (a)(7) N-8 or N-9 nonimmigrant;

[delete]

4. (a)(16) Victim of Severe Form of Trafficking (T-1 Nonimmigrant);

[delete]

	<p>Status if you are filing an initial TPS application and you are under 14 years of age or over 65 years of age. All applicants for TPS re-registration who want an EAD must pay the filing fee, unless granted a fee waiver;</p> <p>9. (a)(19) Victim of Qualifying Criminal Activity (U-1 Nonimmigrant);</p> <p>10. (c)(1), (c)(4), or (c)(7) Dependent of certain foreign government, international organization, or NATO personnel;</p> <p>11. (c)(8) Applicant for Asylum and Withholding of Deportation and Removal (an applicant filing under the special ABC procedures must pay the filing fee);</p> <p>12. (c)(9) or (c)(16) Any current Adjustment of Status or Registry applicant who filed Form I-485 on or after July 30, 2007, and paid the appropriate Form I-485 filing fee. If you file Form I-765 separately from your Form I-485, you must also submit a copy of your Form I-797C Notice for Form I-485, as evidence of filing Form I-485 on or after July 30, 2007, and payment of the appropriate filing fee. If you did not pay the appropriate Form I-485 filing fee because your filing fee was waived or you are exempt from paying it, you must pay the Form I-765 filing fee or request that the filing fee be waived; and</p> <p>13. (c)(31) VAWA Self-Petitioner.</p> <p>[new]</p> <p>Renewal EAD. If this is a renewal application and you are applying under one of the following categories, a filing fee is not required for:</p> <p>1. (a)(8) Citizen of Micronesia, Marshall Islands, or Palau;</p>	<p>5. (a)(19) Victim of Qualifying Criminal Activity (U-1 Nonimmigrant);</p> <p>6. (c)(1), (c)(4), or (c)(7) Dependent of certain foreign government, international organization, or NATO personnel;</p> <p>[delete]</p> <p>7. (c)(9) or (c)(16) Any current Adjustment of Status or Registry applicant who filed Form I-485 on or after July 30, 2007, and before [INSERT EFFECTIVE DATE OF 2018/2019 FEE RULE] and paid the appropriate Form I-485 filing fee. If you file Form I-765 separately from your Form I-485, you must also submit a copy of your Form I-797C Notice for Form I-485, as evidence of filing Form I-485 during that time period and payment of the appropriate filing fee. If you did not pay the appropriate Form I-485 filing fee because your filing fee was waived or you are exempt from paying it, you must pay the Form I-765 filing fee or request that the filing fee be waived; and</p> <p>8. (c)(31) VAWA Self-Petitioner.</p> <p>9. Applicants for Special Immigrant Status based on an approved Form I-360 as an Afghan or Iraqi Translator or Interpreter, Iraqi National employed by or on behalf of the U.S. Government, or Afghan National employed by or on behalf of the U.S. government or employed by the International Security Assistance Forces.</p> <p>Renewal EAD. If this is a renewal application and you are applying under one of the following categories, a filing fee is not required for:</p> <p>[delete]</p>
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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; and

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4. (c)(9) or (c)(16) Any current Adjustment of Status or Registry applicant who filed for adjustment of status on or after July 30, 2007, and paid the appropriate Form I-485 filing fee of **\$930** or **\$985**. If you file Form I-765 separately from your Form I-485, you must also submit a copy of your Form I-797C Notice for Form I-485, as evidence of filing Form I-485 on or after July 30, 2007, and payment of the appropriate form filing fee of **\$930** or **\$985** (**\$600** or **\$635** for an accompanying minor). If you did not pay the appropriate Form I-485 filing fee because your filing fee was waived or you are exempt from paying it, you must pay the Form I-765 filing fee or request that the filing fee be waived.

Replacement for Lost, Stolen, or Damaged EAD. If you are requesting a replacement EAD because your previously issued card was lost, stolen, or damaged, but has not expired, you must pay the filing fee unless you have filed for adjustment of status on or after July 30, 2007 and paid the Form I-485 filing fee. If you did not pay the Form I-485 filing fee because your filing fee was waived or you are exempt from paying it, you must pay the Form I-765 filing fee or request that the filing fee be waived. See Form I-912 at www.uscis.gov/i-912.

Replacement for Card Error

1. If the card we issued to you contains incorrect information that is not attributed to our error, you must submit a new Form I-765 and filing fee, unless you have a pending Form I-485 and paid the Form I-485 filing fee. If you did not pay the appropriate Form I-485 filing fee because your filing fee was waived or you are

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

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2. (c)(9) or (c)(16) Any current Adjustment of Status or Registry applicant who filed for adjustment of status on or after July 30, 2007, and before **[INSERT EFFECTIVE DATE OF 2018/2019 FEE RULE]** and paid the appropriate Form I-485 filing fee. If you file Form I-765 separately from your Form I-485, you must also submit a copy of your Form I-797C Notice for Form I-485, as evidence of filing Form I-485 during that time period and payment of the appropriate fee. If you did not pay the Form I-485 fee, you must pay the Form I-765 filing fee or request that the filing fee be waived.

Replacement for Lost, Stolen, or Damaged EAD. If you are requesting a replacement EAD because your previously issued card was lost, stolen, or damaged, but has not expired, you must pay the filing fee unless you have filed for adjustment of status on or after July 30, 2007 and before **[INSERT EFFECTIVE DATE OF 2018/2019 FEE RULE]** and paid the Form I-485 filing fee. If you did not pay the Form I-485 filing fee, you must pay the Form I-765 filing fee or request that the filing fee be waived. See Form I-912 at www.uscis.gov/i-912.

Replacement for Card Error

1. If the card we issued to you contains incorrect information that is not attributed to our error, you must submit a new Form I-765 and filing fee, unless you **have filed for adjustment of status on or after July 30, 2007 and before [INSERT EFFECTIVE DATE OF 2018/2019 FEE RULE]** and paid the Form I-485 filing fee. If you did not

	<p>exempt from paying it, you must pay the Form I-765 filing fee or request that the filing fee be waived. You must include the card containing the error when you submit the new Form I-765.</p> <p>2. If the card we issued to you contains incorrect information that is attributed to our error, you do not need to file a new Form I-765 and filing fee. Instead, you must submit a letter explaining the error, along with the card containing the error to the service center or National Benefits Center that approved your last Form I-765.</p> <p>Payments by Check or Money Order</p> <p>Use the following guidelines when you prepare your check or money order for the Form I-765 filing fee:</p> <p>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</p> <p>2. Make the check or money order payable to U.S. Department of Homeland Security.</p> <p>NOTE: Spell out U.S. Department of Homeland Security; do not use the initials “USDHS” or “DHS.”</p> <p>NOTE: If you filed Form I-485 on or after July 30, 2007, and you paid the appropriate Form I-485 filing fee, no filing fee is required to request employment authorization on Form I-765. You may file Form I-765 with Form I-485, or you may submit 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 as evidence of filing Form I-485 on or after July 30, 2007 and paying the filing fee.</p> <p>If you did not pay the appropriate Form I-485 filing fee because your filing fee was waived or you are exempt from paying it, you must pay the Form I-765 filing fee or request that the filing fee be waived.</p> <p>Notice to Those Paying by Check. If you send USCIS a check, we will convert it into an electronic funds transfer (EFT). This</p>	<p>pay the Form I-485 fee, you must pay the Form I-765 filing fee or request that it be waived. You must include the card containing the error when you submit Form I-765.</p> <p>[no change]</p> <p>NOTE: If you filed Form I-485 on or after July 30, 2007, and before [INSERT EFFECTIVE DATE OF 2018/2019 FEE RULE] and you paid the Form I-485 fee, no filing fee is required to request employment authorization on Form I-765. You must submit a copy of your Form I-797C Notice as evidence of filing Form I-485 and paying the filing fee during that time period.</p> <p>If you did not pay the Form I-485 filing fee, you must pay the Form I-765 filing fee or request that the filing fee be waived.</p> <p>[no change]</p>
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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, we 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.

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Payments by Credit Card

If you are filing your form at a USCIS Lockbox facility, you can pay your filing fee and biometric services fee (if applicable) using a credit card. Please see Form G-1450, Authorization for Credit Card Transactions, at www.uscis.gov/G-1450 for more information.

[new]

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 fee is correct by following one of the steps below.

1. Visit the USCIS website at www.uscis.gov, select "FORMS," and check the appropriate fee; or
2. Call the USCIS National Customer

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, we may** reject your **application**.

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Payments by Credit Card

If you are filing your form at a USCIS Lockbox facility, you can pay your filing **fee using** a credit card. Please see Form G-1450, Authorization for Credit Card Transactions, at www.uscis.gov/G-1450 for more information.

When Filing at a Field Office

Cash, a cashier's check or money order cannot be used to pay for the filing fee at a field office. The only payment options accepted at a field office are payment through pay.gov via a credit card, debit card or with a personal check.

[no change]

	<p>Service Center at 1-800-375-5283 and ask for fee information. For TTY (deaf or hard of hearing) call: 1-800-767-1833.</p> <p>Fee Waiver</p> <p>You may be eligible for a fee waiver under 8 CFR 103.7(c). 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.</p>	<p>Fee Waiver</p> <p>For information on fee waivers under 8 CFR 106.3 please review the instructions for USCIS Form I-912 found at www.uscis.gov.</p>
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