

**TABLE OF CHANGES – INSTRUCTIONS**  
**Form I-765, Application for Employment Authorization**  
**OMB Number: 1615-0040**  
**06/25/2020**

**Reason for Revision: Merge Asylum EAD with 2019 Revision**

**Project Phase:**

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><b>Page 1,</b></p> <p><b>What Is the Purpose of Form I-765?</b></p>	<p><b>[Page 1]</b></p> <p><b>What Is the Purpose of Form I-765?</b></p> <p>Certain foreign nationals who are in the United States may file Form I-765, Application for Employment Authorization, to request employment authorization and an Employment Authorization Document (EAD). Other foreign nationals whose immigration status authorizes them to work in the United States without restrictions may also use Form I-765 to apply to U.S. Citizenship and Immigration Services (USCIS) for an EAD that shows such authorization. Review the <b>Who May File Form I-765</b> section of these Instructions to determine whether you should use Form I-765.</p> <p>Foreign nationals may also apply for a Social Security number and card on Form I-765 following the guidelines in the <b>Specific Instructions</b> section of these Instructions, <b>Part 4. Information About You, Item Numbers 1 - 5.</b></p> <p>If you are a lawful permanent resident, a conditional permanent resident, or a nonimmigrant only authorized for employment with a specific employer under 8 CFR 274a.12(b), do <b>not</b> use Form I-765.</p>	<p><b>What Is the Purpose of Form I-765?</b></p> <p>[No change]</p> <p>Foreign nationals may also apply for a Social Security number and card on Form I-765 following the guidelines in the <b>Specific Instructions</b> section of these Instructions, <b>Part 4. Social Security Card Information, Item Numbers 1 - 5.</b></p> <p>[No change]</p>

	<p><b>Definitions</b></p> <p><b>Employment Authorization Document (EAD):</b> The EAD is the card (Form I-766, or any successor document) issued as evidence that the holder is authorized to work in the United States.</p> <p><b>Initial EAD:</b> An EAD issued to an eligible applicant for the first time under a specific eligibility category.</p> <p><b>Renewal EAD:</b> An EAD issued to an eligible applicant after the expiration of a previous EAD issued under the same category.</p> <p><b>Replacement EAD:</b> An EAD issued to an eligible applicant when the previously issued EAD was lost, stolen, damaged, or contains errors, such as a misspelled name.</p> <p><b>NOTE:</b> For more information regarding employment authorization documents, visit <a href="http://www.uscis.gov/greencard/employment-authorization-document">www.uscis.gov/greencard/employment-authorization-document</a>.</p>	
<p><b>Pages 1-14,</b></p> <p><b>Who May File Form I-765?</b></p>	<p><b>[Page 1]</b></p> <p><b>Who May File Form I-765?</b></p> <p>...</p> <p><b>5. Pending Asylum and Withholding of Removal Applicants and Applicants for Pending Asylum under the ABC Settlement Agreement--(c)(8).</b> If you have a pending Form I-589, Application for Asylum and for Withholding of Removal, refer to <b>Special Filing Instructions for Those With Pending Asylum Applications--(c)(8)</b> in the <b>Required Documentation</b> section of these Instructions.</p> <p>[New]</p>	<p><b>[Page 1]</b></p> <p><b>Who May File Form I-765?</b></p> <p>...</p> <p><b>5. Pending Applications for Asylum and Withholding of Removal --(c)(8).</b> If you have a pending Form I-589, Application for Asylum and for Withholding of Removal, refer <b>to the Special Filing Instructions below.</b></p> <p><b>A. Special Filing Instructions for Those With Pending Asylum Applications--(c)(8)</b></p> <p><b>(i) Applicants requesting employment authorization under (c)(8) must:</b></p> <ul style="list-style-type: none"> <li>• Wait 365 calendar days from the date you properly file and USCIS or the Immigration Court accepts your asylum application before you file your application for employment authorization;</li> <li>• Appear for your asylum biometric</li> </ul>

		<p>services appointment;</p> <ul style="list-style-type: none"><li>• Appear for your interview with a USCIS asylum officer, or your hearing before an Immigration Judge, if requested or scheduled; and</li><li>• Appear for your biometric services appointment for your application for employment authorization.</li></ul> <p>For further information see 8 CFR sections 208.7, 208.9, and 208.10.</p> <p><b>(ii) Biometric services fee and appointments.</b> All applicants for initial and renewal EADs under the (c)(8) eligibility category must submit biometrics at a scheduled biometric services appointment and pay the biometric services fee. If you fail to appear for your biometric services appointment, you may be ineligible for employment authorization.</p> <p><b>(iii) One-year deadline to file for asylum.</b> If you file your asylum application on or after [EFFECTIVE DATE OF FINAL RULE] and file it more than one year after your most recent arrival in the United States, you will not be granted employment authorization under this eligibility category <b>unless and until</b> a USCIS asylum officer or an Immigration Judge determines that you meet an exception for late filing, as provided in section 208(a)(2)(D) of the Immigration and Nationality Act (INA). This one-year filing deadline does not apply to an alien who is an unaccompanied alien child, as defined by section 462(g) of the Homeland Security Act of 2002, 6 U.S.C. 279(g), INA section 208(a)(2)(E), 8 U.S.C. 1158(a)(2)(E).</p> <p><b>(iv) Lawful entry into the United States through a port of entry.</b> Eligibility for an EAD under category (c)(8) requires that your last entry into the United States was lawful. If you entered or attempted to enter the United States unlawfully on or after [EFFECTIVE DATE OF FINAL RULE], you are ineligible for employment authorization based on a pending asylum application, unless you demonstrate that: (1) you presented yourself to the Secretary of Homeland Security or his or her delegate within 48 hours of your arrival; (2) you indicated a fear of persecution or torture or</p>
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	<p>You are subject to a 150-day waiting period after the filing of your Form I-589, Application for Asylum and for Withholding of Removal, before you can apply for an EAD, and an additional 30-day period before we can issue you an EAD, for a total of 180 days. The number of days a completed asylum application is considered pending does not include any delays requested or caused by you while your application is pending with the USCIS asylum office or with an EOIR IJ. (See 8 CFR 208.7.) This time period during which your asylum application is pending before we may grant you an EAD is called the “180-day asylum EAD clock.” We may reject your Form I-765 if you file it before the 150-day waiting period has elapsed. Some examples of delays that may be caused by you while your application is pending with the USCIS Asylum Office include, but are not limited to:</p>	<p>an intent to apply for asylum; and (3) you establish good cause for failing to enter lawfully through a port of entry. USCIS will determine whether you meet the exception to the illegal entry bar based on your responses to <b>Items C. and D. in Item Number 3. In Part 3.</b> of Form I-765.</p> <p><b>(v) Arrests, charges, and convictions.</b> You cannot receive employment authorization under this eligibility category if:</p> <ul style="list-style-type: none"> <li>• You have been convicted at any time in the United States or abroad of any aggravated felony as described in section 101(a)(43) of the Act;</li> <li>• You have been convicted on or after [EFFECTIVE DATE OF FINAL RULE] of a particularly serious crime in the United States;</li> <li>• There are serious reasons for believing that you on or after [EFFECTIVE DATE OF FINAL RULE] have committed a serious non-political crime outside the United States; or</li> <li>• You are subject to a mandatory denial of your asylum application based on the criminal grounds described in 8 CFR 208.13(c)(6).</li> </ul> <p><b>(vi) Impact of applicant-caused delays.</b> Any delays you have caused in the adjudication of your asylum application that are still in effect at the time your initial application for employment authorization is filed will result in USCIS denying your application for employment authorization. Examples of applicant-caused delays include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• A request to amend or supplement an asylum application that causes a delay in</li> </ul>
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	<p>[New]</p> <p><b>A.</b> Failure to appear at your interview or fingerprint appointment;</p> <p><b>B.</b> Failure to receive and acknowledge your asylum decision in person (if required);</p> <p><b>C.</b> A request to reschedule your interview for a later date;</p> <p><b>D.</b> A request to transfer your case to a new asylum office or interview location, including when the transfer is based on a new address;</p> <p><b>E.</b> A request to provide additional evidence after your interview; and</p> <p><b>F.</b> Failure to provide a competent interpreter at your interview.</p> <p>[New]</p>	<p>its adjudication or in proceedings as described in 8 CFR section 208.4(c);</p> <ul style="list-style-type: none"> <li>• Failure to appear to receive and acknowledge receipt of the decision as specified in 8 CFR section 208.9(d);</li> <li>• A request for extension to submit additional evidence fewer than 14 days before the interview date as described in 8 CFR section 208.9(e);</li> <li>• Failure to appear for an asylum interview or biometric services appointment, unless excused by USCIS as described in 8 CFR section 208.10(b)(1) for the failure to appear;</li> <li>• A request to reschedule an interview for a later date;</li> <li>• A request to transfer a case to a new asylum office or interview location, including when the transfer is based on a new address;</li> <li>• A request to provide additional evidence after interview;</li> <li>• Failure to provide a competent interpreter at interview; and</li> <li>• Failure to comply with any other request needed to determine asylum eligibility.</li> </ul> <p><b>(vii) Availability of (c)(8) Employment Authorization During the Asylum Process.</b> If you are granted employment authorization while your asylum application is pending with USCIS or the Immigration Court, you may seek renewal of your EAD as long as the asylum application remains pending (unless your EAD is revoked or terminated).</p> <p>If you have an EAD based on a pending asylum application and your asylum application is denied by the Immigration Court, your EAD will automatically terminate after 30 days unless you file a timely appeal with the Board of Immigration Appeals (BIA). If you file a timely appeal with the BIA, your current employment authorization will continue while your asylum application is on review at the BIA (unless revoked or terminated). There is no need to file another Form I-765, unless your EAD is about to expire or will</p>
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	<p>[Moved up from section below]</p> <p>If you are a category (c)(8) applicant who has met the requisite 150-day waiting period to file Form I-765, not including delays caused or requested by you, file your Form I-765 with the following evidence, where applicable:</p> <p><b>A.</b> If you filed your Form I-589 with USCIS, a copy of the following: the USCIS Acknowledgement of Receipt that was mailed to you and your USCIS Asylum Interview Notice (scheduling, re-scheduling, or cancelling your asylum interview); your Form I-797C Notice (ASC appointment notice) for a biometrics appointment for your Form I-589; or other evidence that you filed your Form I-589 with USCIS.</p> <p><b>B.</b> If you lodged or filed your Form I-589 with EOIR, acknowledgement of receipt of your application or other available evidence.</p> <p><b>C.</b> If an EOIR IJ has denied your asylum and withholding of removal relief, but you met the requisite 180-day waiting period prior to the EOIR IJ’s decision in your case, evidence that you:</p> <p>(1) Timely appealed the EOIR IJ’s decision on your Form I-589 to the BIA and the appeal remains pending; and</p> <p>(2) If applicable, evidence that you timely</p>	<p>expire during the time your case is on appeal. If the BIA affirms the denial of your asylum application, your employment authorization terminates automatically on the date of the BIA’s denial.</p> <p><b>NOTE:</b> Employment authorization is <b>not permitted during any period of judicial review of EOIR’s decision on your asylum application.</b> However, if a federal court remands your asylum case back to the BIA, you may reapply for employment authorization once your case is again pending with the BIA.</p> <p><b>(viii) Additional Evidence requirements for category (c)(8) applicants:</b></p> <p>If you are a category (c)(8) applicant who has met the requisite 365 calendar-day waiting period to file Form I-765, you may file your application with the following evidence, where applicable.</p> <ul style="list-style-type: none"> <li>• If you filed your Form I-589 with USCIS, a copy of the following: the USCIS Acknowledgement of Receipt that was mailed to you and your USCIS Asylum Interview Notice (scheduling, re-scheduling, or cancelling your asylum interview); your Form I-797C Notice (ASC appointment notice) for the biometrics appointment for your Form I-589; or other evidence that you filed your Form I-589 with USCIS.</li> <li>• If you lodged or filed your Form I-589 with the Executive Office for Immigration Review (EOIR), a copy of acknowledgement of receipt of your application or other available evidence.</li> <li>• If you were granted employment authorization under the (c)(8) category and an Immigration Judge (IJ) subsequently denied your asylum application, and you are now seeking renewal of your EAD, evidence that you timely appealed the EOIR IJ’s decision on your Form I-589 to the BIA and the appeal remains pending.</li> </ul> <p>[Delete]</p>
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<p>appealed the BIA decision on your Form I-589 to a U.S. Court of Appeals and that decision remains pending.</p> <p><b>D.</b> If your Form I-589 has been remanded to an EOIR IJ for further adjudication of your underlying asylum claim:</p> <p>(1) A copy of the BIA decision and order remanding your case to the EOIR IJ; and</p> <p>(2) Evidence that your asylum claim remains under review by the EOIR IJ.</p> <p>[New]</p> <p><b>E. Evidence of Arrests and Conviction.</b> For initial and renewal applications, you are required to submit evidence of any arrests and/or convictions. If you have been convicted of an aggravated felony, you cannot be granted employment authorization under this eligibility category. USCIS will make the determination as to whether your convictions meet the definition of aggravated felony. You must, however, provide information and any supporting documentation on all crimes you were convicted of so USCIS can make an appropriate decision. Provide a certified copy of all arrest reports, court dispositions, sentencing documents, and any other relevant documents.</p> <p>[New]</p>	<ul style="list-style-type: none"> <li>• If <b>the BIA remanded</b> your Form I-589 to an EOIR IJ for further adjudication of your underlying asylum claim: <ul style="list-style-type: none"> <li>o A copy of the BIA decision and order remanding your case to the EOIR IJ; and</li> <li>o Evidence that your asylum claim remains under review by the EOIR IJ.</li> </ul> </li> <li>• If a federal court remanded your asylum claim to the BIA for further action and your claim is still pending with the BIA, you must submit a copy of the Federal Court's remand order.</li> </ul> <p>[Delete]</p> <p><b>(ix) Evidence of Arrests and Convictions.</b> You must submit certified police and court records for any criminal charges, arrests, or convictions you may have.</p> <ul style="list-style-type: none"> <li>• If you were <b>EVER</b> arrested or detained by a law enforcement officer for any reason in <b>any</b> country, including the United States, and no criminal charges were filed, you must submit: <ul style="list-style-type: none"> <li>o An original or certified copy of the complete arrest report; and</li> <li>o Either an official statement by the arresting or detaining agency or prosecutor's office <b>OR</b> an applicable</li> </ul> </li> </ul>
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		<p>court order that indicates the final disposition of your arrest or detention;</p> <ul style="list-style-type: none"><li>• If you were <b>EVER</b> charged for any reason (even if you were not arrested) in <b>any</b> country, including the United States, you must submit:<ul style="list-style-type: none"><li>○ An original or certified copy of the complete arrest report; and</li><li>○ Certified copies of <b>BOTH</b> the indictment, information, or other formal charging document <b>AND</b> the final disposition of each charge (for example, a dismissal order or acquittal order);</li></ul></li><li>• If you were <b>EVER</b> convicted or placed in an alternative sentencing or rehabilitative program (such as probation, drug treatment, deferred adjudication, or community service program) in <b>any</b> country, including the United States, you must submit:<ul style="list-style-type: none"><li>○ An original or certified copy of the complete arrest report;</li><li>○ Certified copies of the following: the indictment, information, or other formal charging document; any plea agreement, whether in the form of a court filing or recording in a hearing transcript; and the final disposition for each incident (for example, conviction record, deferred adjudication order, probation order); and</li><li>○ Either an original or certified copy of your probation or parole record showing that you completed the mandated sentence, conditions set for the deferred adjudication, or rehabilitative program OR documentation showing that you completed the alternative sentencing or rehabilitative program; or</li></ul></li><li>• If you <b>EVER</b> had any arrest or conviction vacated, set aside, sealed, expunged, or otherwise removed from your record in <b>any</b> country, you must submit:<ul style="list-style-type: none"><li>○ An original or certified copy of the</li></ul></li></ul>
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		<p>complete arrest report; the indictment, information, or other formal charging document; any plea agreement, whether in the form of a court filing or recording in a hearing transcript; and the final disposition for each incident (for example, conviction record, deferred adjudication order, probation order); and</p> <ul style="list-style-type: none"> <li>○ A certified copy of the court order vacating, setting aside, sealing, expunging, or otherwise removing the arrest or conviction.</li> </ul> <p>You must disclose all arrests and charges, even if the arrest occurred when you were a minor. An adjudication of juvenile delinquency is not a “conviction” under U.S. immigration law, but a juvenile can be charged as an adult for an offense committed while a juvenile. If you were convicted as an adult, there is a conviction, regardless of whether you were tried before a criminal court or a juvenile court. An adjudication of juvenile delinquency could also be relevant to the exercise of discretion. If you claim that an arrest resulted in adjudication of delinquency, and not in a conviction, you must submit a copy of the court document that establishes this fact.</p> <p>In general, you do <b>not</b> need to submit documentation relating to traffic fines and incidents that did not involve an actual physical arrest if the penalty was only a fine of less than <b>\$500</b> or points on your driver’s license. However, you must submit such documentation if the traffic incident resulted in criminal charges or involved alcohol, drugs, or injury to a person or property.</p> <p>If you are not able to obtain certified copies of any court disposition relating to <b>Items A. - D.</b>, please submit:</p> <ul style="list-style-type: none"> <li>• An explanation of why the documents are not available, including (if possible) a certificate from the custodian of the documents explaining why the documents are not available;</li> <li>• Any secondary evidence that shows</li> </ul>
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	<p><b>2. Asylum and Withholding of Deportation Applicants (with a pending Form I-589) who filed BEFORE January 4, 1995 – (c)(8)</b></p> <p>You may file Form I-765 at any time; however, we will only grant your employment authorization if we find that your asylum application is not frivolous. File Form I-765 with a copy of the following documents, where applicable:</p> <p><b>A.</b> Your date-stamped previously filed Form I-589;</p> <p><b>B.</b> If you filed your Form I-589 with the former Immigration and Naturalization Service (INS), an INS Acknowledgement of Receipt;</p> <p><b>C.</b> A USCIS Asylum Interview Notice (scheduling, re-scheduling, or cancelling your asylum interview);</p> <p><b>D.</b> Form I-797 Notice, Fingerprint Notification (for a fingerprint appointment for your Form I-589);</p> <p><b>E.</b> If you filed your Form I-589 in exclusion or deportation proceedings, evidence that your Form I-589 was filed with EOIR;</p> <p><b>F.</b> If you are currently in exclusion or deportation proceedings, a copy of Form I-221, Order to Show Cause and Notice of Hearing, or Form I-122, Notice to Applicant for Admission Detained for Hearing Before Immigration Judge; or</p> <p><b>G.</b> Evidence that your Form I-589 remains under administrative or judicial review.</p>	<p>the disposition of the case; or</p> <ul style="list-style-type: none"> <li>• If secondary evidence is also not available, one or more written statements, signed under penalty of perjury under 28 U.S.C. 1746, by someone who has personal knowledge of the disposition.</li> </ul> <p><b>B. Special Filing Instructions for Asylum and Withholding of Deportation Applicants (with a pending Form I-589) who filed BEFORE January 4, 1995 – (c)(8)</b></p> <p>You may file Form I-765 at any time; however, we will only grant your employment authorization if we find that your asylum application is not frivolous. File Form I-765 with a copy of the following documents, where applicable:</p> <ul style="list-style-type: none"> <li><b>(i)</b> Your date-stamped previously filed Form I-589;</li> <li><b>(ii)</b> If you filed your Form I-589 with the former Immigration and Naturalization Service (INS), an INS Acknowledgement of Receipt;</li> <li><b>(iii)</b> A USCIS Asylum Interview Notice (scheduling, re-scheduling, or cancelling your asylum interview);</li> <li><b>(iv)</b> Form I-797 Notice, Fingerprint Notification (for a fingerprint appointment for your Form I-589);</li> <li><b>(v)</b> If you filed your Form I-589 in exclusion or deportation proceedings, evidence that your Form I-589 was filed with EOIR;</li> <li><b>(vi)</b> If you are currently in exclusion or deportation proceedings, a copy of Form I-221, Order to Show Cause and Notice of Hearing, or Form I-122, Notice to Applicant for Admission Detained for Hearing Before Immigration Judge; or</li> <li><b>(vii)</b> Evidence that your Form I-589 remains under administrative or judicial review.</li> </ul> <p><b>C. Special Filing Instructions for Asylum application under the ABC</b></p>
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	<p><b>3. Asylum application under the ABC Settlement Agreement--(c)(8).</b> If you are a Salvadoran or Guatemalan national eligible for benefits under the ABC settlement agreement, <i>American Baptist Churches v. Thornburgh</i>, 760 F. Supp. 796 (N.D. Cal. 1991), you are entitled to an EAD under the ABC settlement.</p> <p>[New]</p> <p>Your Form I-765 will be decided within 60 days if:</p> <ol style="list-style-type: none"> <li>1. You identify yourself as an ABC class member by selecting the box in <b>Part 3., Item Number 4.</b> of this application;</li> <li>2. You pay the filing fee; and</li> <li>3. You have a complete pending asylum application on file. You must have filed your asylum application (Form I-589) with</li> </ol>	<p><b>Settlement Agreement--(c)(8).</b> If you are a Salvadoran or Guatemalan national eligible for benefits under the ABC settlement agreement, <i>American Baptist Churches v. Thornburgh</i>, 760 F. Supp. 796 (N.D. Cal. 1991), you are entitled to an EAD under the ABC settlement.</p> <p>You must have filed your asylum application (Form I-589) with us (the former 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 evidence when you apply, but it will help us process your request more efficiently.</p> <p>If you are requesting an EAD under this category, you must pay the filing fee. Mark your application as follows:</p> <ol style="list-style-type: none"> <li>(i) 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.</li> <li>(ii) Type or print “(c)(8)” in <b>Part 3., Item Number 1.</b>, of the application.</li> <li>(iii) Select the box in <b>Part 3., Item A. in Item Number 3.</b>, of this application.</li> </ol> <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"> <li>(i) You pay the applicable filing fee and biometric services fee, or you apply for and USCIS approves a waiver of either fee;</li> <li>(ii) You have a complete pending asylum application on file; and</li> <li>(iii) You correctly mark your application as described above.</li> </ol>
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	<p>us (former Immigration and Naturalization Service (INS) or USCIS) or with an EOIR IJ to receive an EAD. Therefore, submit evidence that you previously filed a complete asylum application when you submit Form I-765. You are not required to submit this evidence when you apply, but it will help us process your request more efficiently.</p> <p><b>Nationality Categories</b></p> <p>...</p> <p><b>6. Spouse of an E-2 Commonwealth of Northern Mariana Islands (CNMI) Investor--(c)(12).</b> File Form I-765 with the required evidence listed under <b>Special Filing Instructions for Spouses of E-2 CNMI Investors</b> in the <b>Required Documentation</b> section of these Instructions.</p> <p>...</p> <p><b>5. Parole--(c)(11).</b> File Form I-765 with a copy of your valid, unexpired Form I-94, passport, or other travel document showing you were paroled into the United States for urgent humanitarian reasons or reasons of significant public benefit.</p> <p>[New]</p> <p><b>6. Deferred Action--(c)(14).</b> File Form I-765 with a copy of the order, notice, or other document reflecting the grant of</p>	<p>[No change]</p> <p>...</p> <p><b>6. Spouse of an E-2 Commonwealth of Northern Mariana Islands (CNMI) Investor--(c)(12).</b></p> <p>[No change]</p> <p>...</p> <p><b>5. Parole--(c)(11).</b> File Form I-765 with a copy of your valid, unexpired Form I-94, passport, or other travel document showing you were paroled into the United States for urgent humanitarian reasons or reasons of significant public <b>benefit pursuant to INA 212(d)(5) (such as Cuban Family and Haitian Family Reunification Parole programs).</b></p> <p><b>NOTE:</b> If you were paroled into the United States after having established a credible fear of persecution or torture pursuant to INA 235(b)(1)(A), you <b>are not eligible</b> for either an initial or renewal EAD under the (c)(11) eligibility category. You must wait 365 calendar days from the date you properly file and USCIS or the Immigration Court accepts your asylum application before you can request employment authorization under the (c)(8) eligibility category.</p> <p>[No change]</p>
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	<p>deferred action and proof 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, Form I-765 Worksheet. If you would like to provide an explanation, complete <b>Part 3. Explanation</b> 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 your own economic necessity.</p>	
<p><b>Pages 14-15,</b> <b>General Instructions</b></p>	<p><b>[Page 18]</b> <b>General Instructions</b></p> <p>USCIS provides forms free of charge through the USCIS website. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <a href="http://get.adobe.com/reader/">http://get.adobe.com/reader/</a>. If you do not have internet access, you may call the USCIS Contact Center at <b>1-800-375-5283</b> and ask that we mail a form to you. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call <b>1-800-767-1833</b>.</p> <p><b>Signature.</b> Each application must be properly signed and filed. For all signatures on this application, USCIS will not accept a stamped or typewritten name in place of a signature. A legal guardian may also sign for a mentally incompetent person. If the request is not signed or if the requisite signature on the request is not valid, USCIS will reject the request. See 8 CFR 103.2(a)(7)(ii)(A). If USCIS accepts a request for adjudication and determines that it has a deficient signature, we will deny the request.</p> <p><b>Validity of Signatures.</b> USCIS will consider a photocopied, faxed, or scanned copy of the original handwritten signature valid for filing purposes. The photocopy, fax, or scan must be of the original</p>	<p><b>[Page 18]</b> <b>General Instructions</b></p> <p>USCIS provides forms free of charge through the USCIS website. <b>To</b> view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <a href="http://get.adobe.com/reader/">http://get.adobe.com/reader/</a>. If you do not have internet access, you may call the USCIS Contact Center at <b>1-800-375-5283</b> and ask that we mail a form to you. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call <b>1-800-767-1833</b>.</p> <p>[No change]</p>

	<p>document containing the handwritten, ink signature.</p> <p><b>Filing Fee.</b> Each application must be accompanied by the appropriate filing fee. (See the <b>What Is the Filing Fee</b> section of these Instructions.)</p> <p><b>[Page 16]</b></p> <p><b>Biometric Services Fee.</b> 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><b>Evidence.</b> At the time of filing, you must submit all evidence and supporting documents listed in the <b>Required Documentation</b> 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>...</p>	<p><b>Evidence.</b> At the time of filing, you must submit all evidence and supporting documents listed in <b>these</b> 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>...</p>
<p><b>Pages 16-19,</b> <b>Specific Instructions</b></p>	<p><b>[Page 17]</b></p> <p><b>Specific Instructions</b></p> <p>...</p> <p><b>Item Number 3.B. (c)(8) Eligibility Category.</b> If you entered the eligibility category <b>(c)(8)</b> in <b>Item Number 1.</b>, provide an answer to the question “Have you have <b>EVER</b> been arrested for and/or convicted</p>	<p>[No change]</p> <p>...</p> <p><b>Item Number 3.B. (c)(8) Eligibility Category.</b> If you entered the eligibility category <b>(c)(8)</b> in <b>Item Number 1.</b>, provide an answer to the question “Have you have <b>EVER</b> been arrested for and/or convicted</p>

	<p>of any crime?” If you answered “Yes” to <b>Item Number 3.B.</b>, refer to <b>Special Filing Instructions for Those With Pending Asylum Applications (c)(8)</b> in the <b>Required Documentation</b> section of the Instructions for information about providing court dispositions.</p> <p>[New]</p>	<p>of any crime?” If you answered “Yes” to <b>Item Number 3.B.</b>, refer to <b>Special Filing Instructions for Those With Pending Asylum Applications (c)(8)</b> in the <b>Required Documentation</b> section of the Instructions for information about providing court dispositions.</p> <p><b>Item Number 3.C. Lawful Entry.</b> Select “Yes” if you entered the United States lawfully through a port of entry. You <b>must</b> provide evidence of your lawful entry such as a Form I-94 or passport with entry stamp.</p> <p>Select “No” if you <b>did not</b> enter the United States lawfully through a port of entry. Complete <b>Item D.</b> in <b>Item Number 3.</b></p> <p><b>NOTE:</b> Your eligibility for an EAD under category (c)(8) requires that, after [EFFECTIVE DATE OF FINAL RULE] any entry into the United States was lawful and through a port of entry. However, in limited circumstances, you may qualify for an exception to this requirement under 8 CFR 208.7(a)(1)(iii)(F). In order for USCIS to determine whether you qualify for an exception, you must complete <b>Item D.</b> in <b>Item Number 3.</b></p> <p><b>Item Number 3.D. Presenting yourself to the Department of Homeland Security.</b> Select “Yes” if you presented yourself to an officer or agent from the Department of Homeland Security (DHS) within 48 hours of your unlawful entry into the United States <b>and</b> expressed an intention to apply for asylum or expressed a fear of persecution or torture. Presenting yourself to DHS includes presenting yourself to an officer or an agent from: U.S. Customs and Border Protection, U.S. Border Patrol, U.S. Immigration and Customs Enforcement, U.S. Coast Guard, or U.S. Citizenship and Immigration Services.</p> <p>Select “No” if you did not present yourself to an officer or agent from DHS within 48 hours of your unlawful entry into the United States <b>and</b> express an intention to apply for asylum or express a fear of persecution or torture.</p> <p><b>Date you presented yourself to DHS.</b></p>
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	<p><b>Item Number 4. (c)(26) Eligibility Category.</b> If you entered eligibility category (c)(26) in <b>Item Number 1.</b>, provide the receipt number of your spouse’s most recent Form I-797 Notice for Form I-129, Petition for a Nonimmigrant Worker, in the space provided.</p> <p><b>Item Number 5.A. (c)(35) and (c)(36) Eligibility Category.</b> If you entered the eligibility category (c)(35) or (c)(36) in <b>Item Number 1.</b>, please provide the receipt number of your Form I-797 Notice for Form I-140 or the receipt number of your spouse’s or parent’s Form I-797 Notice for Form I-140. Provide an answer to the question “Have you <b>EVER</b> been arrested for and/or convicted of any crime?”</p> <p><b>NOTE:</b> If you answered “Yes” to <b>Item Number 5.B.</b>, refer to <b>Employment-Based Nonimmigrant Categories, Items 8. - 9.</b> in the <b>Who May File Form I-765</b> section of the Instructions for information about providing court dispositions.</p> <p>...</p>	<p>Provide the date that you presented yourself to DHS.</p> <p><b>Location where you presented yourself to DHS.</b> Provide the location where you presented yourself to DHS.</p> <p><b>Country of claimed persecution.</b> Provide the name of the country from which you fear persecution or torture.</p> <p><b>Explanation of why you did not enter the United States lawfully through a port of entry.</b> You must show good cause for failing to enter the United States lawfully at a port of entry. <i>See</i> 8 CFR 208.7(a)(1)(iii) (F). Examples of good cause include, but are not limited to, needing immediate medical attention or fleeing imminent serious harm. Examples that do not constitute good cause include, but are not limited to, evasion of U.S. immigration officers, circumvention of the orderly processing of asylum seekers at a U.S. port of entry, or convenience.</p> <p>[No change]</p> <p><b>NOTE:</b> If you answered “Yes” to <b>Item B. in Item Number 5.</b>, refer to <b>Employment-Based Nonimmigrant Categories, Items 8. - 9.</b> in the <b>Who May File Form I-765</b> section of the Instructions for information about providing court dispositions.</p> <p>...</p>
Pages 19-22,	[Page 20]	

**Required Documentation**

**Required Documentation**

You must submit all evidence requested in these Instructions with your application. If you fail to submit required evidence, USCIS may reject or deny your application for failure to submit requested evidence or supporting documents in accordance with 8 CFR 103.2(b)(1) and these Instructions.

You must file all applications with the documents required below, the particular evidence required for each category listed in the **Who May File Form I-765** section of these Instructions, and the appropriate filing fee, if required.

**[Page 21]**

If you are required to show economic necessity for your category, submit a list of your assets, income, and expenses. 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.

Assemble the documents in the following order:

1. The appropriate filing fee, if applicable. See the **What Is the Filing Fee** section of these Instructions for details.
2. Your properly signed application.
3. The following documents.
  - A. A copy of at least one of the following documents: Form I-94, Arrival-Departure Record (front and back), a printout of your electronic Form I-94 from [www.cbp.gov/i94](http://www.cbp.gov/i94); a passport or other travel document. If you are filing Form I-765 under the (c)(9) category, these are not required.

**B.** A copy of your last EAD (front and

	<p>back). If you were not previously issued an EAD, 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 your facial features and contain your biographical information.</p> <p><b>NOTE:</b> If you are filing under the (c)(33) eligibility category, you are not required to submit additional documentation beyond what you submit with Form I-821D under <b>2. What documents do you need to provide to prove identity</b> in the <b>Evidence for Initial Requests Only</b> section of the Form I-821D Instructions.</p> <p><b>C. Photographs</b></p> <p>You <b>must</b> submit two identical color passport-style photographs of yourself taken recently. The photos must have a white to off-white background, be printed on thin paper with a glossy finish, and be unmounted and unretouched.</p> <p>The two identical passport-style photos must be 2 by 2 inches. The photos must be in color with a full face, frontal view, on a white to off-white background. Head height should measure 1 to 1 3/8 inches from the top of your hair to the bottom of your chin, and eye height should measure between 1 1/8 to 1 3/8 inches from the top of your eyes to the bottom of the photo. Your head must be bare unless you are wearing headwear as required by a religious denomination of which you are a member. Using a pencil or felt pen, lightly print your name and A-Number (if any) on the back of the photo.</p>	
<p><b>Pages 22-25,</b></p> <p><b>What Is the Filing Fee?</b></p>	<p><b>[Page 23]</b></p> <p><b>What Is the Filing Fee?</b></p> <p>The filing fee for Form I-765 is <b>\$410</b>.</p> <p><b>NOTE:</b> The filing fee is not refundable, regardless of any action USCIS takes on</p>	<p><b>[Page 23]</b></p> <p><b>What Is the Filing Fee?</b></p> <p>The filing fee for Form I-765 is <b>\$410</b>.</p> <p><b>NOTE:</b> The filing fee is not refundable, regardless of any action USCIS takes on</p>

	<p>this application. <b>DO NOT MAIL CASH.</b> You must submit all fees in the exact amounts.</p> <p><b>Special Instructions for TPS Applicants.</b> 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.</p> <p>[New]</p> <p><b>Special Instructions for Deferred Action for Childhood Arrivals--(c)(33).</b> All requestors under this category must pay the biometric services fee of <b>\$85</b>. The biometric services fee and the filing fee for this application cannot be waived.</p> <p>...</p>	<p>this application. <b>DO NOT MAIL CASH.</b> You must submit all fees in the exact amounts.</p> <p><b>Special Instructions for TPS Applicants.</b> 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.</p> <p><b>Special Instructions for Those With Pending Asylum Applications—(c)(8).</b> All applicants for an initial and renewal EAD under the (c)(8) eligibility category must submit biometrics and pay the <b>\$85</b> biometric services fee. If you fail to appear for your biometric services appointment, you may be ineligible for employment authorization.</p> <p>[No change]</p> <p>...</p>
<p><b>Page 26,</b></p> <p><b>USCIS Forms and Information</b></p>	<p><b>[Page 26]</b></p> <p><b>USCIS Forms and Information</b></p> <p>To ensure you are using the latest version of this application, visit the USCIS website at <a href="http://www.uscis.gov">www.uscis.gov</a> where you can obtain the latest USCIS forms and immigration-related information. If you do not have internet access, you may call the USCIS Contact Center at <b>1-800-375-5283</b> and ask that we mail a form to you. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: <b>1-800-767-1833</b>.</p> <p>Please visit us at <a href="http://www.uscis.gov/contactcenter">www.uscis.gov/contactcenter</a> to get basic information about immigration services and ask questions about a pending case. Through our digital self-help tools and live assistance, the USCIS Contact Center</p>	<p><b>[Page 26]</b></p> <p><b>USCIS Forms and Information</b></p> <p>To ensure you are using the latest version of this application, visit the USCIS website at <a href="http://www.uscis.gov">www.uscis.gov</a> where you can obtain the latest USCIS forms and immigration-related information. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: <b>1-800-767-1833</b>.</p> <p>[No change]</p>

	<p>provides a pathway for you to get consistent, accurate information and answers to immigration case questions.</p>	
<p><b>Pages 26-27,</b> <b>DHS Privacy Notice</b></p>	<p><b>[Page 27]</b> <b>DHS Privacy Notice</b></p> <p><b>AUTHORITIES:</b> The information requested on this application, and the associated evidence, is collected under the Immigration and Nationality Act, 8 U.S.C. section 1324a, and 8 CFR 274a.13.</p> <p><b>PURPOSE:</b> The primary purpose for providing the requested information on this application is to determine eligibility for certain aliens who are temporarily in the United States requesting an Employment Authorization Document. DHS uses the information you provide to grant or deny the immigration benefit you are seeking.</p> <p><b>DISCLOSURE:</b> The information you provide is voluntary. However, failure to provide the requested information, including your Social Security number, and any requested evidence, may delay a final decision or result in the denial of your application.</p> <p><b>ROUTINE USES:</b> DHS may, where allowable under relevant confidentiality provisions, share the information you provide on this application and any additional requested evidence with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses, as described in the associated published system of records notices [DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System; DHS/USCIS-007 Benefit Information System; DHS/USCIS-010 Asylum Information and Pre-Screening; DHS/USCIS-017 Refugee Case Processing and Security Screening Information System; DHS/USCIS-018 Immigration Biometric and Background Check] and the published privacy impact assessments [DHS/USCIS/PIA-016(a) Computer Linked</p>	<p><b>[Page 27]</b> <b>DHS Privacy Notice</b></p> <p><b>AUTHORITIES:</b> The information requested on this application, and the associated evidence, is collected under the Immigration and Nationality Act, 8 U.S.C. section 1324a, and 8 CFR 274a.13.</p> <p><b>PURPOSE:</b> The primary purpose for providing the requested information on this application is to determine eligibility for certain aliens who are temporarily in the United States requesting an Employment Authorization Document. DHS uses the information you provide to grant or deny the immigration benefit you are seeking.</p> <p><b>DISCLOSURE:</b> The information you provide is voluntary. However, failure to provide the requested information, including your Social Security number, and any requested evidence, may delay a final decision or result in the denial of your application.</p> <p><b>ROUTINE USES:</b> DHS may, where allowable under relevant confidentiality provisions, share the information you provide on this application and any additional requested evidence with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses, as described in the associated published system of records notices [DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System; DHS/USCIS-007 Benefit Information System; DHS/USCIS-010 Asylum Information and Pre-Screening; DHS/USCIS-017 Refugee Case Processing and Security Screening Information System; <b>DHS/USCIS-018 Immigration Biometric and Background Check</b>] and the published privacy impact assessments [DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System and Associated Systems; DHS/USCIS/PIA-027 Asylum Division;</p>

	<p>Application Information Management System and Associated Systems; DHS/USCIS/PIA-027 Asylum Division; DHS/USCIS/PIA-056 USCIS Electronic Immigration System; and DHS/USCIS/PIA-068 Refugee Case Processing and Security Vetting], which you can find at <a href="http://www.dhs.gov/privacy">www.dhs.gov/privacy</a>. DHS may also share this information as appropriate for law enforcement purposes or in the interest of national security.</p>	<p>DHS/USCIS/PIA-056 USCIS Electronic Immigration System; and DHS/USCIS/PIA-068 Refugee Case Processing and Security Vetting], which you can find at <a href="http://www.dhs.gov/privacy">www.dhs.gov/privacy</a>. DHS may also share this information as appropriate for law enforcement purposes or in the interest of national security.</p>
<p><b>Page 27,</b> <b>Paperwork Reduction Act</b></p>	<p><b>[Page 27]</b> <b>Paperwork Reduction Act</b></p> <p>An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated at 4 hours and 30 minutes per response, including the time for reviewing instructions, gathering the required documentation and information, completing the application, preparing statements, attaching necessary documentation, and submitting the application. The collection of biometrics is estimated to require 1 hour and 10 minutes. The public reporting burden for the collection of information for Form I-765WS is estimated at 30 minutes per response, including the time for reviewing instructions, gathering the required documentation and information, completing the application, preparing statements, attaching necessary documentation, and submitting the application. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0040. <b>Do not mail your completed Form I-765 to this address.</b></p>	<p><b>[Page 27]</b> <b>Paperwork Reduction Act</b></p> <p>An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated at 4 hours and <b>45</b> minutes per response, including the time for reviewing instructions, gathering the required documentation and information, completing the application, preparing statements, attaching necessary documentation, and submitting the application. The collection of biometrics is estimated to require 1 hour and 10 minutes. The public reporting burden for the collection of information for Form I-765WS is estimated at 30 minutes per response, including the time for reviewing instructions, gathering the required documentation and information, completing the application, preparing statements, attaching necessary documentation, and submitting the application. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0040. <b>Do not mail your completed Form I-765 to this address.</b></p>