

**TABLE OF CHANGES – INSTRUCTIONS**  
**Instructions for Form I-765, Application for Employment Authorization**  
**OMB Number: 1615-0040**  
**05/18/2020**

**Reason for Revision:** Biometrics Rule

**Project Phase:** NPRM

Legend for Proposed Text:

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

Expires 05/31/2020

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Current Page Number and Section	Current Text	Proposed Text
<b>Pages 1-14, Who May File Form I-765?</b>	<p>[Page 4]</p> <p>...</p> <p><b>B. Post-Completion OPT--(c)(3)(B).</b> File Form I-765 up to 90 days before, but no later than 60 days after, your program end date. Use <b>Part 6. Additional Information</b> to provide all previously used SEVIS numbers and evidence of any previously authorized CPT or OPT and the academic level at which it was authorized.</p> <p>...</p>	<p>[Page 4]</p> <p>...</p> <p><b>B. Post-Completion OPT--(c)(3)(B).</b> File Form I-765 up to 90 days before, but no later than 60 days after, your program end date. Use <b>Part 7. Additional Information</b> to provide all previously used SEVIS numbers and evidence of any previously authorized CPT or OPT and the academic level at which it was authorized.</p> <p>...</p>
<b>Pages 14-16, General Instructions</b>	<p>[page 15]</p> <p>...</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>[page 15]</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</p>	<p>[page 15]</p> <p>...</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 <b>Instructions.</b>)</p> <p>[page 15]</p> <p>[deleted]</p>

	<p>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><b>Biometric Services Appointment.</b> USCIS may require that you appear for an interview or provide biometrics (fingerprints, photograph, and/or signature) at any time to verify your identity, obtain additional information, and conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation (FBI), before making a decision on your application or petition. After USCIS receives your application and ensures it is complete, we will inform you in writing if you need to attend a biometric services appointment. If an appointment is necessary, the notice will provide you the location of your local or designated USCIS Application Support Center (ASC) and the date and time of your appointment or, if you are currently overseas, instruct you to contact a U.S. Embassy, U.S. Consulate, or USCIS office outside the United States to set up an appointment.</p> <p>If you are required to provide biometrics, at your appointment you must sign an oath reaffirming that:</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><b>Biometric Services Appointment.</b> Every individual who is an applicant, petitioner, derivative, beneficiary, or sponsor of an immigration benefit request or other request submitted to USCIS is required to submit biometrics unless USCIS waives or exempts the requirement. Biometrics submitted with an underlying application, petition, or request may be used to fulfill the biometrics requirement. You will be notified of the time and place of your appointment if you must appear and you will be provided requirements for rescheduling if necessary. If you fail to submit any biometrics as required, USCIS may deny your application, petition, or request.</p> <p>DHS may store the biometrics submitted by an individual and use or reuse biometrics to conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation (FBI), verify identity, produce documents, determine eligibility for immigration and naturalization benefits, or to perform any other functions necessary for administering and enforcing immigration and naturalization laws, and any other law within DHS authority.</p> <p>If you are required to provide biometrics, at your appointment you must sign an oath reaffirming that:</p>
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	<ol style="list-style-type: none"> <li>1. You provided or authorized all information in the application;</li> <li>2. You reviewed and understood all of the information contained in, and submitted with, your application; and</li> <li>3. All of this information was complete, true, and correct at the time of filing.</li> </ol> <p>If you fail to attend your biometric services appointment, USCIS may deny your application.</p> <p><b>Copies.</b> You should submit legible photocopies of documents requested, unless the Instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application or petition. If USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.</p> <p>...</p>	<ol style="list-style-type: none"> <li>1. You provided or authorized all information in the application;</li> <li>2. You reviewed and understood all of the information contained in, and submitted with, your application; and</li> <li>3. All of this information was complete, true, and correct at the time of <b>filing</b>.</li> </ol> <p>[deleted]</p> <p><b>Copies.</b> You should submit legible photocopies of documents requested, unless the Instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application or petition. If USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.</p> <p>...</p>
<p><b>Pages 16-19, Specific Instructions</b></p>	<p>[page 16]</p> <p>...</p> <p><b>Item Number 8. Alien Registration Number (A-Number)</b> (if any). An Alien Registration Number, otherwise known as an “A-Number,” is typically issued to people who apply for, or are granted, certain immigration benefits. In addition to USCIS; ICE, U.S. Customs and Border Protection (CBP), EOIR, and the DOS may also issue an A-Number to certain foreign nationals. If you were issued an A-Number, type or print it in the spaces provided. If you are renewing your EAD, this number may be listed as the USCIS Number on the front of the card. If you have more than one A-Number, use the space provided in <b>Part 6. Additional Information</b> to provide the information. If you do not have an A-Number or if you cannot remember it, leave this space blank.</p> <p>...</p>	<p>[page 17]</p> <p>...</p> <p><b>Item Number 8. Alien Registration Number (A-Number)</b> (if any). An Alien Registration Number, otherwise known as an “A-Number,” is typically issued to people who apply for, or are granted, certain immigration benefits. In addition to USCIS; ICE, U.S. Customs and Border Protection (CBP), EOIR, and the DOS may also issue an A-Number to certain foreign nationals. If you were issued an A-Number, type or print it in the spaces provided. If you are renewing your EAD, this number may be listed as the USCIS Number on the front of the card. If you have more than one A-Number, use the space provided in <b>Part 7. Additional Information</b> to provide the information. If you do not have an A-Number or if you cannot remember it, leave this space blank.</p> <p>...</p> <p>[page x]</p>

	<p>[new]</p>	<p>...</p> <p><b>Part 3. Biographic Information</b></p> <p>Provide the biographic information requested in <b>Part 3., Item Numbers 1. - 6.</b> Providing this information as part of your application may reduce the time you spend at your USCIS ASC appointment as described in the <b>Biometric Services Appointment</b> section of these Instructions.</p> <p><b>Item Numbers 1. - 2. Ethnicity and Race.</b> Select the boxes that best describe your ethnicity and race.</p> <p><b>Categories and Definitions for Ethnicity and Race</b></p> <p><b>1. Hispanic or Latino.</b> A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. (<b>NOTE:</b> This category is only included under Ethnicity in <b>Part 3., Item Number 1.</b>)</p> <p><b>2. American Indian or Alaska Native.</b> A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.</p> <p><b>3. Asian.</b> A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.</p> <p><b>4. Black or African American.</b> A person having origins in any of the black racial groups of Africa.</p> <p><b>5. Native Hawaiian or Other Pacific Islander.</b> A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.</p> <p><b>6. White.</b> A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.</p> <p><b>Item Number 3. Height.</b> Select the</p>
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	<p>[page 19]</p> <p><b>Part 3. Applicant’s Statement, Contact Information, Declaration, Certification, and Signature</b></p> <p><b>Item Numbers 1.a. - 7.b.</b> Select the appropriate box to indicate whether you read this application yourself or whether you had an interpreter assist you. If someone assisted you in completing the application, select the box indicating that you used a preparer. Further, you must sign and date your application and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). Every application <b>MUST</b> contain the signature of the applicant (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.</p> <p><b>Part 4. Interpreter’s Contact Information, Certification, and Signature</b></p> <p><b>Item Numbers 1.a. - 7.b.</b> If you used anyone as an interpreter to read the Instructions and questions on this application to you in a language in which you are fluent, the interpreter must fill out this section; provide his or her name, the name and address of his or her business or organization (if any), his or her daytime</p>	<p>values that best match your height in feet and inches. For example, if you are five feet and nine inches, select “5” for feet and “09” for inches. Do not enter your height in meters or centimeters.</p> <p><b>Item Number 4. Weight.</b> Enter your weight in pounds. If you do not know your weight or need to enter a weight under 30 pounds or over 699 pounds, enter “000.” Do not enter your weight in kilograms.</p> <p><b>Item Number 5. Eye Color.</b> Select the box that best describes the color of your eyes.</p> <p><b>Item Number 6. Hair Color.</b> Select the box that best describes the color of your hair.</p> <p>[page 19]</p> <p><b>Part 4. Applicant’s Statement, Contact Information, Declaration, Certification, and Signature</b></p> <p><b>Item Numbers 1.a. - 7.b.</b> Select the appropriate box to indicate whether you read this application yourself or whether you had an interpreter assist you. If someone assisted you in completing the application, select the box indicating that you used a preparer. Further, you must sign and date your application and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). Every application <b>MUST</b> contain the signature of the applicant (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.</p> <p><b>Part 5. Interpreter’s Contact Information, Certification, and Signature</b></p> <p><b>Item Numbers 1.a. - 7.b.</b> If you used anyone as an interpreter to read the Instructions and questions on this application to you in a language in which you are fluent, the interpreter must fill out this section; provide his or her name, the name and address of his or her business or organization (if any), his or her daytime</p>
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	<p>telephone number, his or her mobile telephone number (if any), and his or her email address (if any). The interpreter must sign and date the application.</p> <p><b>Part 5. Contact Information, Declaration, and Signature of the Person Preparing this Application, if Other Than the Applicant</b></p> <p><b>Item Numbers 1.a. - 8.b.</b> This section must contain the signature of the person who completed your application, if other than you, the applicant. If the same individual acted as your interpreter <b>and</b> your preparer, that person should complete both <b>Part 4.</b> and <b>Part 5.</b> If the person who completed this application is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you complete this application <b>MUST</b> sign and date the application. A stamped or typewritten name in place of a signature is not acceptable. If the person who helped you prepare your application is an attorney or accredited representative, he or she may also need to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with your application.</p> <p><b>Part 6. Additional Information</b></p> <p><b>Item Numbers 1.a. - 7.d.</b> If you need extra space to provide any additional information within this application, use the space provided in <b>Part 6. Additional Information.</b> If you need more space than what is provided in <b>Part 6.,</b> you may make copies of <b>Part 6.</b> to complete and file with your application, or attach a separate sheet of paper. Type or print your name and A-Number (if any) at the top of each sheet; indicate the <b>Page Number, Part Number,</b> and <b>Item Number</b> to which your answer refers; and sign and date each sheet.</p> <p><b>We recommend that you print or save a copy of your completed application to review in the future and for your records.</b></p>	<p>telephone number, his or her mobile telephone number (if any), and his or her email address (if any). The interpreter must sign and date the application.</p> <p><b>Part 6. Contact Information, Declaration, and Signature of the Person Preparing this Application, if Other Than the Applicant</b></p> <p><b>Item Numbers 1.a. - 8.b.</b> This section must contain the signature of the person who completed your application, if other than you, the applicant. If the same individual acted as your interpreter <b>and</b> your preparer, that person should complete both <b>Part 5.</b> and <b>Part 6.</b> If the person who completed this application is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you complete this application <b>MUST</b> sign and date the application. A stamped or typewritten name in place of a signature is not acceptable. If the person who helped you prepare your application is an attorney or accredited representative, he or she may also need to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with your application.</p> <p><b>Part 7. Additional Information</b></p> <p><b>Item Numbers 1.a. - 7.d.</b> If you need extra space to provide any additional information within this application, use the space provided in <b>Part 7. Additional Information.</b> If you need more space than what is provided in <b>Part 7.,</b> you may make copies of <b>Part 7.</b> to complete and file with your application, or attach a separate sheet of paper. Type or print your name and A-Number (if any) at the top of each sheet; indicate the <b>Page Number, Part Number,</b> and <b>Item Number</b> to which your answer refers; and sign and date each sheet.</p> <p><b>We recommend that you print or save a copy of your completed application to review in the future and for your records. We recommend that you review your copy of your completed application before you go to your biometric services</b></p>
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		<p><b>appointment at a USCIS ASC.</b> At your appointment, USCIS will permit you to complete the application process only if you are able to confirm, under penalty of perjury, that all of the information in your application is complete, true, and correct. If you are not able to make that attestation in good faith at that time, USCIS will require you to return for another appointment.</p>
<p><b>Pages 20-22, Required Documentation</b></p>	<p>[page 21]</p> <p>...</p> <p><b>NOTE:</b> If you are filing under the (c)(33) category, you are not required to submit additional documentation beyond what you submit with Form I-821D under 2. <b>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>C. Photographs</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 is between 1 1/8 to 1 3/8 inches from the top of your eyes to the bottom of 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>Special Filing Instructions for Those With Pending Asylum Applications--(c) (8)</b></p> <p>...</p> <p>1. Failure to appear at your interview or</p>	<p>[page 21]</p> <p>...</p> <p><b>NOTE:</b> If you are filing under the (c)(33) category, you are not required to submit additional documentation beyond what you submit with Form I-821D under 2. <b>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>[deleted]</p> <p><b>Special Filing Instructions for Those With Pending Asylum Applications--(c) (8)</b></p> <p>...</p> <p>1. Failure to appear at your interview or</p>

	<p>fingerprint appointment;</p> <p>...</p> <p>1. 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>...</p> <p><b>[page 22]</b></p> <p>4. Form I-797 Notice, Fingerprint Notification (for a fingerprint appointment for your Form I-589);</p> <p>...</p> <p>3. Select the box in <b>Part 3., Item Number 6.</b>, of this application.</p> <p>...</p>	<p><b>biometric services</b> appointment;</p> <p>...</p> <p>1. 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 <b>Notice, (biometric services</b> appointment <b>notice</b> for your Form I-589); or other evidence that you filed your Form I-589 with USCIS.</p> <p>...</p> <p><b>[page 22]</b></p> <p>4. Form I-797 Notice, Fingerprint Notification (for a <b>biometric services</b> appointment for your Form I-589);</p> <p>...</p> <p>3. Select the box in <b>Part 4., Item Number 6.</b>, of this application.</p> <p>...</p>
<p><b>Pages 23-25, 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 this application. <b>DO NOT MAIL CASH.</b> You must submit all fees in the exact amounts.</p> <p>...</p> <p><b>Special Instructions for Beneficiaries of an Approved Employment-Based Immigrant Petition--(c)(35) and Spouses or Children of a Principal Beneficiary of</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>. <b>A biometric services fee of \$85 is also required, except for (c)(1), (c)(4), or (c)(7) dependents of certain foreign government, international organization, or NATO personnel, who are not required to pay a biometrics services fee.</b></p> <p><b>NOTE:</b> The filing fee is not refundable, regardless of any action USCIS takes on this application. <b>DO NOT MAIL CASH.</b> You must submit all fees in the exact amounts.</p> <p>...</p> <p><b>Special Instructions for Beneficiaries of an Approved Employment-Based Immigrant Petition--(c)(35) and Spouses or Children of a Principal Beneficiary of</b></p>

	<p><b>an Approved Immigrant Petition--(c) (36).</b> All applicants under these categories must submit biometrics. An additional biometric services fee of <b>\$85</b> is required for applicants 14 to 79 years of age, unless waived.</p> <p>...</p>	<p><b>an Approved Immigrant Petition--(c) (36).</b> All applicants under these categories must submit biometrics. An additional biometric services fee of <b>\$85</b> is <b>required, unless</b> waived.</p> <p>...</p>
<p><b>Page 27, Paperwork Reduction Act</b></p>	<p><b>[page 27]</b></p> <p><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 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 28]</b></p> <p><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. <b>The collection of biometrics is estimated to require 3 hours and 40 minutes.</b> 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>