

**TABLE OF CHANGES – INSTRUCTIONS**  
**Instructions for Form I-765V, Application for Employment Authorization for Abused**  
**Nonimmigrant Spouse**  
**OMB Number: 1615-0137**  
**05/19/2020**

**Reason for Revision:** Biometrics Rule  
**Project Phase:** NPRM

Legend for Proposed Text:

- Black font = Current text
- Red font = Changes

Expires 1/31/2019

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Current Page Number and Section	Current Text	Proposed Text
<b>Pages 2-3,</b> <b>General Instructions</b>	<p>[page 2]</p> <p>...</p> <p><b>Biometric Services Appointment.</b> USCIS may require that you appear for an interview or provide 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, petition, or request. 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</p>	<p>[page 2]</p> <p>...</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. 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>reaffirming that: ...</p> <p><b>3.</b> All of this information was complete, true, and correct at the time of filing.</p> <p>If you fail to attend your biometric services appointment, USCIS may deny your application.</p> <p><b>[Page 3]</b></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, petition, or request. 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>2.</b> If you need extra space to complete any item within this application, use the space provided in <b>Part 7. Additional Information</b> or attach a separate sheet of paper; type or print your name and Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the <b>Page Number, Part Number, and Item Number</b> to which your answer refers; and sign and date each sheet.</p> <p>...</p>	<p>[no change]</p> <p>...</p> <p><b>3.</b> All of this information was complete, true, and correct at the time of <b>filing</b>.</p> <p><b>[deleted]</b></p> <p><b>[Page 3]</b></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, petition, or request. 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>2.</b> If you need extra space to complete any item within this application, use the space provided in <b>Part 8. Additional Information</b> or attach a separate sheet of paper; type or print your name and Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the <b>Page Number, Part Number, and Item Number</b> to which your answer refers; and sign and date each sheet.</p> <p>...</p>
<p><b>Pages 3-6, Specific Instructions</b></p>	<p><b>[page 3]</b></p> <p><b>Specific Instructions</b></p> <p><b>Part 1. Information About You</b></p> <p>Complete this section in its entirety. If you need extra space to provide any additional information within this application, use the space provided in <b>Part 7. Additional Information</b>.</p> <p>...</p>	<p><b>[page 3]</b></p> <p><b>Specific Instructions</b></p> <p><b>Part 1. Information About You</b></p> <p>Complete this section in its entirety. If you need extra space to provide any additional information within this application, use the space provided in <b>Part 8. Additional Information</b>.</p> <p>...</p>

[page x]

**Part 2. Biographic Information**

Provide the biographic information requested in **Part 2., Item Numbers 1. - 6.** Providing this information as part of your application may reduce the time you spend at your USCIS ASC appointment as described in the **Biometric Services Appointment** section of these Instructions.

**Item Numbers 1. - 2. Ethnicity and Race.** Select the boxes that best describe your ethnicity and race.

**Categories and Definitions for Ethnicity and Race**

**1. Hispanic or Latino.** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. (**NOTE:** This category is only included under Ethnicity in **Part 2., Item Number 1.**)

**2. American Indian or Alaska Native.** 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.

**3. Asian.** 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.

**4. Black or African American.** A person having origins in any of the black racial groups of Africa.

**5. Native Hawaiian or Other Pacific Islander.** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**6. White.** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

**Item Number 3. Height.** Select the

	<p><b>Part 2. Information About Your Spouse</b></p> <p>Provide the information requested in this section, if known. If you need extra space to complete this section, use the space provided in <b>Part 7. Additional Information</b>. If you do not know the answer to a question, type or print “unknown,” unless otherwise directed. Submit evidence to demonstrate the legal status of your spouse. This may include a copy of his or her passport, travel document information, or evidence of his or her A-Number.</p> <p>...</p> <p>[page 6]</p> <p><b>Part 3. Marriage Information</b></p> <p>Submit a copy of your marriage certificate or other evidence to demonstrate that you have a qualifying relationship with your spouse listed in <b>Part 2</b>.</p> <p>...</p> <p><b>Part 4. Applicant’s Statement, Contact Information, Declaration, Certification, and Signature</b></p> <p>...</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><b>Part 3. Information About Your Spouse</b></p> <p>Provide the information requested in this section, if known. If you need extra space to complete this section, use the space provided in <b>Part 8. Additional Information</b>. If you do not know the answer to a question, type or print “unknown,” unless otherwise directed. Submit evidence to demonstrate the legal status of your spouse. This may include a copy of his or her passport, travel document information, or evidence of his or her A-Number.</p> <p>...</p> <p>[page 6]</p> <p><b>Part 4. Marriage Information</b></p> <p>Submit a copy of your marriage certificate or other evidence to demonstrate that you have a qualifying relationship with your spouse listed in <b>Part 3</b>.</p> <p>...</p> <p><b>Part 5. Applicant’s Statement, Contact Information, Declaration, Certification, and Signature</b></p> <p>...</p>
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<p><b>Pages 7-8, Required Documentation</b></p>	<p>[page 7]</p>	<p>[page 7]</p>

	<p>...</p> <p>You may file your application with any credible relevant evidence of your eligibility. USCIS will determine in its discretion what evidence is credible and the weight to be given that evidence. You are encouraged to provide the following documentation along with your completed Form I-765V and passport photos.</p> <p>...</p> <p>5. Evidence of the abuse, such as protection orders, police reports, court records, medical records, reports from social services agencies, a signed statement from you detailing abuse suffered since your admission to the United States, and/or affidavits from third parties who can knowledgeably attest to the abuse you experienced.</p> <p><b>6. Photographs.</b> You <b>must</b> submit two identical color passport-style photographs of yourself taken within 30 days of filing this application. 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 color passport-style photos must be 2 by 2 inches. The photos must be in color with full face, frontal view on a white to off-white background. Head height should measure 1 to 1 3/8 inches from top of hair to bottom of chin, and eye height is between 1 1/8 to 1 3/8 inches from 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>NOTE:</b> USCIS will apply the “any credible evidence” provision of INA section 204(a)(1)(J) to all applications for employment under INA section 106. USCIS will consider all credible evidence relevant to the application.</p> <p>...</p> <p><b>[Page 8]</b></p>	<p>...</p> <p>You may file your application with any credible relevant evidence of your eligibility. USCIS will determine in its discretion what evidence is credible and the weight to be given that evidence. You are encouraged to provide the following documentation along with your completed Form <b>I-765V</b>.</p> <p>...</p> <p>5. Evidence of the abuse, such as protection orders, police reports, court records, medical records, reports from social services agencies, a signed statement from you detailing abuse suffered since your admission to the United States, and/or affidavits from third parties who can knowledgeably attest to the abuse you <b>experienced</b>.</p> <p><b>[deleted]</b></p> <p><b>NOTE:</b> USCIS will apply the “any credible evidence” provision of INA section 204(a)(1)(J) to all applications for employment under INA section 106. USCIS will consider all credible evidence relevant to the application.</p> <p>...</p> <p><b>[Page 8]</b></p>
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	<ol style="list-style-type: none"> <li>1. A completed and signed Form I-765V;</li> <li>2. Two passport-style color photographs;</li> <li>3. Evidence of the applicant’s current residence in the United States;</li> <li>4. Evidence the principal nonimmigrant maintains valid immigration status under INA section 101(a)(15)(A), (E)(iii), (G), or (H) on the date of filing the employment authorization renewal application; and</li> <li>5. Evidence of previous employment authorizations issued under INA section 106.</li> </ol> <p>...</p>	<ol style="list-style-type: none"> <li>1. A completed and signed Form I-765V;</li> <li>[deleted]</li> <li>2. Evidence of the applicant’s current residence in the United States;</li> <li>3. Evidence the principal nonimmigrant maintains valid immigration status under INA section 101(a)(15)(A), (E)(iii), (G), or (H) on the date of filing the employment authorization renewal application; and</li> <li>4. Evidence of previous employment authorizations issued under INA section 106.</li> </ol> <p>...</p>
<p><b>Page 9, Processing Information</b></p>	<p>[page 9]</p> <p>...</p> <p><b>Requests for Interview.</b> We may request that you appear at a USCIS office for an interview based on your application. At the time of any interview or other appearance at a USCIS office, we may require that you provide your fingerprints, photograph, and/or signature to verify your identity and/or update background and security checks.</p> <p>...</p>	<p>[page 9]</p> <p>...</p> <p><b>Requests for Interview.</b> We may request that you appear at a USCIS office for an interview based on your application. At the time of any interview or other appearance at a USCIS office, we may require that you provide your <b>biometrics</b> to verify your identity and/or update background and security checks.</p> <p>...</p>
<p><b>Page 10, USCIS Privacy Act Statement</b></p>	<p>[page 10]</p> <p><b>USCIS Privacy Act Statement</b></p> <p><b>AUTHORITIES:</b> The information requested on this application, and the associated evidence, is collected under the INA section 106 and VAWA 2005 section 814(c), which extends employment authorization eligibility to battered spouses of nonimmigrants admitted under INA section 101(a)(15) subparagraph (A), (E) (iii), (G), or (H).</p> <p><b>PURPOSE:</b> The primary purpose for providing the requested information on this</p>	<p>[page 10]</p> <p><b>DHS Privacy Notice</b></p> <p><b>AUTHORITIES:</b> The information requested on this application, and the associated evidence, is collected <b>pursuant to Section 106 of the Immigration and Nationality Act (INA), as amended and Section 814(c) of Violence Against Women Act of 2005</b>, which extends employment authorization eligibility to battered spouses of nonimmigrants admitted <b>under subparagraph (A), (E)(iii), (G), or (H) of section 101(a)(15) of the INA.</b></p> <p><b>PURPOSE:</b> The primary purpose for providing the requested information on this</p>

	<p>application is to determine your employment eligibility. The information is used to approve or deny your request for an Employment Authorization Document.</p> <p><b>DISCLOSURE:</b> The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision or result in the denial of your benefit request.</p> <p><b>ROUTINE USES:</b> The information you provide in the application is confidential and protected from disclosure under 8 USC 1367. The information will be used by and disclosed to DHS personnel and contractors or other agents in accordance with approved routine uses, as described in the associated published system of records notices [DHS-USCIS-001 – Alien File, Index, and National File Tracking System of Records and DHS-USCIS-007 – Benefit Information System] which you can find at <a href="http://www.dhs.gov/privacy">www.dhs.gov/privacy</a>. DHS may also make the information available as, as appropriate for law enforcement purposes or in the interest of national security.</p>	<p>application is to determine your employment eligibility. The information is used to approve or deny your request for an Employment Authorization Document.</p> <p><b>DISCLOSURE:</b> The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision or result in the denial of your benefit request.</p> <p><b>ROUTINE USES:</b> The information will be used by and disclosed to DHS personnel and contractors or other agents in accordance with 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 of Records, DHS-USCIS-007 Benefit Information System, and DHS/USCIS-018 Immigration Biometric and Background Check] and published privacy impact assessment [DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System and Associated Systems], which can be found at <a href="http://www.dhs.gov/privacy">www.dhs.gov/privacy</a>. The information may also be made available, as appropriate, for law enforcement purposes or in the interest of national security.</p>
<p><b>Page 10, Paperwork Reduction Act</b></p>	<p><b>[page 10]</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 3 hours 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</p>	<p><b>[page 10]</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 3 hours 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> Send comments regarding this burden estimate or any other aspect of this collection of information,</p>



	<p>Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0137. <b>Do not mail your completed Form I-765V to this address.</b></p>	<p>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. 1615-0137. <b>Do not mail your completed Form I-765V to this address.</b></p>
<p><b>Page 10, Complete this Checklist Before Mailing Form I-765V</b></p>	<p><b>[page 10]</b></p> <p>...</p> <p>Form I-765V properly signed by you. <b>An original signature or reproduction of an original signature is required.</b></p> <p>Two passport-style color photographs</p> <p>Evidence of your qualifying nonimmigrant status as a spouse who accompanied or followed-to-join a principal nonimmigrant admitted under INA section 101(a)(15) subparagraph (A), (E)(iii), (G), or (H).</p> <p>...</p>	<p><b>[page 10]</b></p> <p>...</p> <p>Form I-765V properly signed by you. <b>An original signature or reproduction of an original signature is required.</b></p> <p><del>[deleted]</del></p> <p><b>Evidence</b> of your qualifying nonimmigrant status as a spouse who accompanied or followed-to-join a principal nonimmigrant admitted under INA section 101(a)(15) subparagraph (A), (E)(iii), (G), or (H).</p> <p>...</p>