

**TABLE OF CHANGES – INSTRUCTIONS**  
**Instructions for Form I-765, Application For Employment Authorization**  
**OMB Number: 1615-0040**  
**09/27/2021**

**Reason for Revision: DACA Rule**

**Project Phase: DHS Review**

Legend for Proposed Text:

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

Expires 07/31/2022

Edition Date 08/25/2020

Current Page Number and Section	Current Text	Proposed Text
<p><b>Page 1-19,</b></p> <p><b>Who May File Form I-765?</b></p>	<p>[Page 1]</p> <p><b>Who May File Form I-765?</b></p> <p>...</p> <p>[Page 17]</p> <p>...</p> <p><b>7. Consideration of Deferred Action for Childhood Arrivals--(c)(33).</b></p> <p><b>A.</b> You must file Form I-765 with Form I-821D, Consideration of Deferred Action for Childhood Arrivals, if you meet the guidelines described in the Form I-821D Instructions. Enter (c)(33) in <b>Part 2., Item Number 27.</b>, as the eligibility category under which you are applying.</p> <p>[Page 17]</p> <p><b>(1)</b> You must file Form I-765 Worksheet to demonstrate that you have an economic</p>	<p>[Page 1]</p> <p><b>Who May File Form I-765?</b></p> <p>...</p> <p>[Page 17]</p> <p>...</p> <p><b>7. Consideration of Deferred Action for Childhood Arrivals--(c)(33).</b></p> <p><b>A.</b> <b>You may</b> file Form I-765 with Form I-821D, Consideration of Deferred Action for Childhood Arrivals, <b>or you may wait to file Form I-765 until after USCIS approves your request for Consideration of Deferred Action for Childhood Arrivals.</b> Enter (c) (33) in <b>Part 2., Item Number 27.</b>, as the eligibility category under which you are applying. <b>If you are filing Form I-765 separately from Form I-821D, provide a copy of either a) your Form I-797, Notice of Action, for Form I-821D if your request remains pending or b) your Form I-797, Notice of Action, showing that your Form I-821D has been approved.</b></p> <p>[Page 17]</p> <p><b>You</b> must file Form I-765 Worksheet to demonstrate that you have an economic</p>

	<p>necessity to work. We will consider whether you have an economic necessity to work by reviewing your current annual income, your current annual expenses, and the total current value of your assets. Provide this financial information on Form I-765WS. If you would like to provide an explanation, complete <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>(2) The filing fee for Form I-765 is based on the Consideration of Deferred Action for Childhood Arrivals category and the associated biometric services fee <b>cannot</b> be waived. However, we may waive the collection of certain biometrics.</p> <p>...</p>	<p>necessity to work. We will consider whether you have an economic necessity to work by reviewing your current annual income, your current annual expenses, and the total current value of your assets. Provide this financial information on Form I-765WS. If you would like to provide an explanation, complete <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 <b>necessity</b>.</p> <p>[delete]</p> <p>...</p>
<p><b>Page 26,</b></p> <p><b>Required Documentation</b></p>	<p>[Page 26]</p> <p><b>Required Documentation</b></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 <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>...</p>	<p>[Page 26]</p> <p><b>Required Documentation</b></p> <p>...</p> <p><b>NOTE:</b> If you are filing under the (c)(33) category <b>and you are filing your Form I-821D at the same time</b>, 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. <b>However, if you are filing Form I-765 separately from Form I-821D, you should provide a copy of either a) your Form I-797, Notice of Action, for Form I-821D if your request remains pending or b) your Form I-797, Notice of Action, showing that your Form I-821D has been approved.</b></p> <p>...</p>
<p><b>Page 27-29,</b></p> <p><b>What Is the Filing Fee?</b></p>	<p>[Page 27]</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>[Page 27]</p> <p><b>What Is the Filing Fee?</b></p> <p>[No change]</p>

this application. **DO NOT MAIL CASH.** You must submit all fees in the exact amounts.

**Special Instructions for TPS Applicants.**

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

**Special Instructions for Those With Pending Asylum Applications—(c)(8).**

All applicants for an initial or renewal EAD under the (c)(8) eligibility category must submit biometrics and pay the **\$85** biometric services fee. If you fail to appear for your biometric services appointment, you may be ineligible for employment authorization.

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

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

**Special Instructions for Beneficiaries of an Approved Employment-Based Immigrant Petition--(c)(35) and Spouses or Children of a Principal Beneficiary of an Approved Immigrant Petition--(c)(36).**

All applicants under these categories must submit biometrics. An additional biometric services fee of **\$85** is required for applicants 14 to 79 years of age, unless waived.

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**Fee Waiver**

You may be eligible for a fee waiver under 8 CFR 103.7(c). If you believe you are eligible for a fee waiver, complete Form I-912, Request for Fee Waiver (or a written request), and submit it and any required evidence of your inability to pay the filing

**Special Instructions for Those With Pending Asylum Applications—(c)(8).**

All applicants for an initial or renewal EAD under the (c)(8) eligibility category must submit biometrics and pay the **\$85** biometric services fee. If you fail to appear for your biometric services appointment, you may be ineligible for employment **authorization.**

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**Special Instructions for Beneficiaries of an Approved Employment-Based Immigrant Petition--(c)(35) and Spouses or Children of a Principal Beneficiary of an Approved Immigrant Petition--(c)(36).**

All applicants under these categories must submit biometrics. An additional biometric services fee of **\$85** is required for applicants 14 to 79 years of age, unless waived.

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**Fee Waiver**

You may be eligible for a fee waiver under 8 CFR 103.7(c), **unless you are filing Form I-765 under eligibility category (c)(33) as a DACA requestor or recipient.** If you believe you are eligible for a fee waiver, complete Form I-912, Request for Fee

	fee with this application. You can review the fee waiver guidance at <a href="http://www.uscis.gov/feewaiver">www.uscis.gov/feewaiver</a> .	Waiver (or a written request), and submit it and any required evidence of your inability to pay the filing fee with this application. You can review the fee waiver guidance at <a href="http://www.uscis.gov/feewaiver">www.uscis.gov/feewaiver</a> .
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