

TABLE OF CHANGES – INSTRUCTIONS
Form I-765, Application for Employment Authorization
OMB Number: 1615-0040
01/21/2021

Reason for Revision: Asylum Officer

Project Phase: NPRM

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>Page 1-19,</p> <p>Who May File Form I-765?</p>	<p>[Page 1]</p> <p>Who May File Form I-765?</p> <p>...</p> <p>[Page 2]</p> <p>Asylee/Refugee Categories (and their Spouses and Children)</p> <p>...</p> <p>5. Pending Applications for Asylum and Withholding of Removal--(c)(8). If you have a pending Form I-589, Application for Asylum and for Withholding of Removal, refer to the Special Filing Instructions below.</p> <p>A. Special Filing Instructions for Those With Pending Asylum Applications--(c)(8)</p> <p>(i) Applicants requesting employment authorization under (c)(8) must:</p> <ul style="list-style-type: none"> • 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 	<p>[Page 1]</p> <p>Who May File Form I-765?</p> <p>...</p> <p>[Page 2]</p> <p>Asylee/Refugee Categories (and their Spouses and Children)</p> <p>...</p> <p>5. Pending Applications for Asylum and Withholding of Removal--(c)(8). If you have a pending Form I-589, Application for Asylum and for Withholding of Removal, or you are awaiting further consideration of a pending asylum application under INA section 235(b)(1)(B)(ii) following a positive credible fear determination, refer to the Special Filing Instructions below.</p> <p>A. Special Filing Instructions for Those With Pending Asylum Applications--(c)(8)</p> <p>(i) Applicants requesting employment authorization under (c)(8) must:</p> <ul style="list-style-type: none"> • Wait 365 calendar days from the date the asylum application is you properly filed and USCIS or the Immigration Court accepts the asylum application before you file

	<p>employment authorization; ...</p> <p>(viii) Additional Evidence requirements for category (c)(8) applicants:</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"> • 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. • 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. • 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. • If the BIA remanded your Form I-589 to an EOIR IJ for further adjudication of your underlying asylum claim: <p>...</p> <p>5. Parole--(c)(11). 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</p>	<p>your application for employment authorization; ...</p> <p>(viii) Additional Evidence requirements for category (c)(8) applicants:</p> <p>[no change]</p> <ul style="list-style-type: none"> • If your asylum application was filed with USCIS, a copy of the following: the USCIS Acknowledgement of Receipt that was provided 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 asylum application; or other evidence that your asylum application was filed with USCIS. • If you lodged or filed your asylum application with the Executive Office for Immigration Review (EOIR), a copy of acknowledgement of receipt of your application or other available evidence. • 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 asylum application to the BIA and the appeal remains pending. • If the BIA remanded your asylum application to an EOIR IJ for further adjudication of your underlying asylum claim: <p>...</p> <p>[no change]</p>
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	<p>significant public benefit pursuant to INA 212(d)(5) (such as Cuban Family and Haitian Family Reunification Parole programs).</p> <p>[Page 17]</p> <p>NOTE: 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 are not eligible 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>...</p>	<p>[Page 17]</p> <p>NOTE: If you are in expedited removal under INA 235(b)(1)(A) or in expedited removal and have a pending credible fear determination under 8 CFR 208.30, you are not eligible for an initial EAD under the (c)(11) eligibility category. 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 are not eligible for either an initial or renewal EAD under the (c)(11) eligibility category. You must wait 365 calendar days from the date the asylum application is properly filed and USCIS or the Immigration Court accepts the asylum application before you can request employment authorization under the (c)(8) eligibility category.</p> <p>...</p>
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