

TABLE OF CHANGES – INSTRUCTIONS
Form I-765, Application for Employment Authorization
OMB Number: 1615-0040
8/31/2022

Reason for 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>Page 1-19, Who May File Form I-765?</p>	<p>[Page 2]</p> <p>...</p> <p>5. Pending Asylum and Withholding of Removal Applicants and Applicants for Pending Asylum under the ABC Settlement Agreement--(c)(8). If you have a pending Form I-589, Application for Asylum and for Withholding of Removal, refer to Special Filing Instructions for Those With Pending Asylum Applications--(c)(8) in the Required Documentation section of these Instructions.</p> <p>...</p> <p>[Page 13]</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 significant public benefit.</p> <p>[new]</p>	<p>[Page 2]</p> <p>...</p> <p>5. Pending Asylum and Withholding of Removal Applicants and Applicants for Pending Asylum under the ABC Settlement Agreement--(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 Special Filing Instructions for Those With Pending Asylum Applications--(c)(8) in the Required Documentation section of these Instructions.</p> <p>...</p> <p>[Page 13]</p> <p>[no change]</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</p>

	<p>6. Deferred Action--(c)(14). File Form I-765 with a copy of the order, notice, or other document reflecting the grant of 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 Part 3. Explanation 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>...</p>	<p>determination under 8 CFR 208.30, you are not eligible for an initial EAD under the (c)(11) eligibility category.</p> <p>[no change]</p> <p>...</p>
<p>Page 25-26, Required Documentation</p>	<p>[Page 22]</p> <p>...</p> <p>4. Asylum and Withholding of Deportation Applicants (with a pending Form I-589) who filed ON OR AFTER January 4, 1995 – (c)(8). 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</p>	<p>[Page 22]</p> <p>...</p> <p>4. Asylum and Withholding of Deportation Applicants (with a pending Form I-589) who filed ON OR AFTER January 4, 1995 – (c)(8). You are subject to a 150-day waiting period after the filing of your asylum application, 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>Asylum Office include but are not limited to:</p> <p>...</p> <p>F. Failure to provide a competent interpreter at your interview.</p> <p>...</p> <p>A. 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. If you lodged or filed your Form I-589 with EOIR, acknowledgement of receipt of your application or other available evidence.</p> <p>C. 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 appealed the BIA decision on your Form I-589 to a U.S. Court of Appeals and that decision remains pending.</p> <p>D. If your Form I-589 has been remanded to an EOIR IJ for further adjudication of your underlying asylum claim:</p> <p>...</p>	<p>...</p> <p>F. If you are required to provide a competent interpreter at your interview, failure to provide a competent interpreter.</p> <p>...</p> <p>A. 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.</p> <p>B. 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.</p> <p>[no change]</p> <p>(1) Timely appealed the EOIR IJ’s decision on your asylum application to the BIA and the appeal remains pending; and</p> <p>(2) If applicable, evidence that you timely appealed the BIA decision on your asylum application to a U.S. Court of Appeals and that decision remains pending.</p> <p>D. If your asylum application has been remanded to an EOIR IJ for further adjudication of your underlying asylum claim:</p> <p>...</p>
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