

**Form I-765 Revision: 30-Day FRN Public Comments and Responses**

Comment Submitted by THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION	USCIS Response
<p>The commenter believes that the length and layout of Form I-765 and accompanying instructions overly complicate the application and unnecessarily add to the burden of completing it. The commenter believes that the additional data points on the current form are not essential for USCIS to perform its adjudicatory functions, and that the additional data captured appears to add time to the adjudication process without adding clarity.</p> <p>The commenter believes that neither the Form I-765 nor its accompanying instructions adequately signal which sections pertain to each specific eligibility category. The commenter recommends that both the form and its instructions be separated into a base document accompanied by multiple supplements. The commenter believes that more definitively separating instructions for each eligibility category by use of space, font, or other devices, would greatly facilitate the application process, enhance the efficiency of the preparation process, and reduce the time required to complete an application. The commenter also recommends that language be added to the instructions stating that applicants are required to provide only the documents pertaining to their specific eligibility category.</p> <p>The commenter also urges USCIS to review the information currently included both in and outside of the Form I-765 instructions and ensure that applicants, stakeholders, and representatives are adequately able to access relevant guidance for their respective applications.</p> <p>The commenter urges USCIS to promptly update both Form I-765 and instructions to reflect the updates to USCIS policies and procedures in light of the <i>Asylumworks v. Mayorkas</i> decision, remove any outdated questions from the Form I-765, and to effectively advise applicants of the information that they are required to provide on both its website and the instructions. The commenter believes that an unjust adjudication created by the outdated collection of information may result in applicants needing to wait several years for the adjudication of their asylum case before they are able to support themselves.</p> <p>The commenter believes that the Form I-765 is unnecessarily lengthened by the inclusion of pages gathering information about potential interpreters and preparers. The commenter believes that information gathered on a Form G-28 includes the relevant data points. The commenter recommends that the corresponding instructions be revised to avoid ambiguity.</p> <p>The commenter recommends that USCIS do the following:</p>	<p>This comment is outside of the scope of the changes being made to the Form I-765 instructions as a result of the <i>Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers</i> Interim Final Rule (Asylum Processing IFR).</p> <p>However, USCIS is currently reviewing the Form I-765 and instructions to reduce administrative burdens and improve efficiency, equity, and accessibility throughout the customer experience in compliance with President Biden’s Executive Order on “Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government,” 86 FR 71357 (Dec. 13, 2021).</p> <p>USCIS is also updating the Form I-765 to comply with the U.S. District Court for the District of Columbia’s February 7<sup>th</sup>, 2022, vacatur of the <i>Removal of 30-Day Processing Provision for Asylum Applicant-Related Form I-765 Employment Authorization Applications and Asylum Application, Interview, and Employment Authorization for Applicants</i> final rules published in June 2020.</p>

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<ul style="list-style-type: none"> <li>• Remove the questions pertaining to alternate names and instead instruct applicants to include this information, where necessary, in the space provided in Part 6 for additional information.</li> <li>• Ensure that the information related to biometric service appointments available in Part 3 of the application is the same as the information on page 20 of the instructions.</li> <li>• Provide guidance on the length of time it expects to retain original documents, circumstances that will cause USCIS to return original documents, and instructions on how and where to request return of original documents requested by USCIS.</li> <li>• Update the form instructions to confirm that obtaining an employment authorization document for certain dependent nonimmigrant spouses is optional rather than mandatory.</li> <li>• Clarify in the instructions when an applicant would need to appear at a USCIS office for an interview.</li> <li>• Update the instructions, as well as all pages on the USCIS website that mention the previous self-scheduling InfoPass process to reflect the new process for scheduling a local USCIS office appointment.</li> </ul>	
<p><b>Comment Submitted by John Flanagan</b></p>	<p><b>USCIS Response</b></p>
<p>The commenter believes that the Paperwork Reduction Act is a misnomer because it has allowed USCIS to turn what used to be a one-page form into a nine-page “monstrosity”. The commenter believes that USCIS has not provided any reasoning for reformatting the Form I-765, and the changes it has made are confusing or fail to take into account recent court decisions.</p> <p>The commenter stated that there are numerous questions for the c(8) category that are no longer relevant and the instructions are outdated because of the Asylumworks litigation. The commenter believes that this disadvantages pro se applicants. The commenter recommends that USCIS clearly disclose that the relevant rules no longer apply.</p>	<p>This comment is outside of the scope of the changes being made to the Form I-765 instructions as a result of the Asylum Processing IFR.</p> <p>USCIS is currently reviewing the Form I-765 and instructions to reduce administrative burdens and improve efficiency, equity, and accessibility throughout the customer experience in compliance with President Biden’s Executive Order on “Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government,” 86 FR 71357 (Dec. 13, 2021).</p> <p>USCIS is also updating the Form I-765 to comply with the U.S. District Court for the District of Columbia’s February 7<sup>th</sup>, 2022, vacatur of the <i>Removal of 30-Day Processing Provision for Asylum Applicant-Related Form I-765</i></p>

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	<p><i>Employment Authorization Applications and Asylum Application, Interview, and Employment Authorization for Applicants</i> final rules published in June 2020.</p>
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