

TABLE OF CHANGES – INSTRUCTIONS
Form I-765V, Instructions for Application for Employment Authorization for Abused
Nonimmigrant Spouse
OMB Number: 1615-0137
07/28/2022

Reason for Revision: Fee Rule NPRM

Project Phase: OMBReview

Legend for Proposed Text:

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

Expires 07/31/2025

Edition Date 07/21/2022

Current Page Number and Section	Current Text	Proposed Text
<p>Page 2-3,</p> <p>General Instructions</p>	<p>[Page 2]</p> <p>General Instructions</p> <p>...</p> <p>Filing Fee. There is no filing fee or biometric services fee for Form I-765V. (See the What Is the Filing Fee section of these Instructions.)</p> <p>Evidence. At the time of filing, you must submit all evidence and supporting documentation listed in the What Evidence Must You Submit and/or Specific Instructions sections of these Instructions.</p> <p>...</p>	<p>[Page 2]</p> <p>General Instructions</p> <p>...</p> <p>Filing Fee. There is no filing fee for Form I-765V.</p> <p>Evidence. At the time of filing, you must submit all evidence and supporting documentation listed in the What Evidence Must You Submit and/or Specific Instructions sections of these Instructions.</p> <p>...</p>
<p>Page 3-7,</p> <p>Specific Instructions</p>	<p>[Page 3]</p> <p>Specific Instructions</p> <p>...</p> <p>Replacement for Lost, Stolen, or Damaged EAD. If you are requesting a replacement EAD because your previously issued card was lost, stolen, or damaged, but has not expired, you must file a new Form I-765V with the appropriate fee or fee waiver.</p>	<p>[Page 3]</p> <p>Specific Instructions</p> <p>...</p> <p>Replacement for Lost, Stolen, or Damaged EAD. If you are requesting a replacement EAD because your previously issued card was lost, stolen, or damaged, but has not expired, you must file a new Form I-765V.</p>

	<p>Replacement for Card Error</p> <p>1. If the card we issued to you contains incorrect information that is attributed to our error, you do not need to file a new Form I-765V. Instead, you must submit a letter, accompanied by the card containing the error, to the service center that approved your last Form I-765V. There is no fee to replace a card due to our error.</p> <p>2. If the card we issued to you contains incorrect information that is not attributed to our error, you must submit a new Form I-765V with appropriate fee (or fee waiver) and include the card containing the error.</p> <p>...</p> <p>Item Numbers 22.a. - 22.f. Form I-94, Arrival-Departure Record. If U.S. Customs and Border Protection (CBP) or USCIS issued your spouse a Form I-94, Arrival-Departure Record, provide your spouse's Form I-94 number and date that your spouse's authorized period of stay expires or expired (as shown on Form I-94). The Form I-94 number also is known as the Departure Number on some versions of Form I-94.</p> <p>NOTE: If you were admitted to the United States by CBP at an airport or seaport after April 30, 2013, CBP may have issued you an electronic Form I-94 instead of a paper Form I-94. You may visit the CBP website at www.cbp.gov/i94 to obtain a paper version of an electronic Form I-94. CBP does not charge a fee for this service. Some travelers admitted to the United States at a land border, airport, or seaport, after April 30, 2013, with a passport or travel document, who were issued a paper Form I-94 by CBP, may also be able to obtain a replacement Form I-94 from the CBP website without charge. If your Form I-94 cannot be obtained from the CBP website, it may be obtained by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Record, with USCIS. USCIS does charge a fee for this service.</p>	<p>Replacement for Card Error</p> <p>1. If the card we issued to you contains incorrect information that is attributed to our error, you do not need to file a new Form I-765V. Instead, you must submit a letter, accompanied by the card containing the error, to the service center that approved your last Form I-765V. There is no fee to replace a card due to our error.</p> <p>2. If the card we issued to you contains incorrect information that is not attributed to our error, you must submit a new Form I-765V and include the card containing the error.</p> <p>...</p> <p>Item Numbers 22.a. - 22.f. Form I-94, Arrival-Departure Record. If U.S. Customs and Border Protection (CBP) or USCIS issued your spouse a Form I-94, Arrival-Departure Record, provide your spouse's Form I-94 number and date that your spouse's authorized period of stay expires or expired (as shown on Form I-94). The Form I-94 number also is known as the Departure Number on some versions of Form I-94.</p> <p>NOTE: If you were admitted to the United States by CBP at an airport or seaport after April 30, 2013, CBP may have issued you an electronic Form I-94 instead of a paper Form I-94. You may visit the CBP website at www.cbp.gov/i94 to obtain a paper version of an electronic Form I-94. CBP does not charge a fee for this service. Some travelers admitted to the United States at a land border, airport, or seaport, after April 30, 2013, with a passport or travel document, who were issued a paper Form I-94 by CBP, may also be able to obtain a replacement Form I-94 from the CBP website without charge. If your Form I-94 cannot be obtained from the CBP website, it may be obtained by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Record, with USCIS. USCIS does charge a fee for Form I-102. See Form G-1055, available at www.uscis.gov/forms, for specific information about the fees applicable to this form.</p>
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	<p>Passport and Travel Document Numbers. If you used a passport or travel document to travel to the United States, enter either the passport or travel document information in the appropriate space on the application, even if the passport or travel document is currently expired.</p> <p>...</p>	<p>Passport and Travel Document Numbers. If you used a passport or travel document to travel to the United States, enter either the passport or travel document information in the appropriate space on the application, even if the passport or travel document is currently expired.</p> <p>...</p>
<p>Page 9, When You May File</p>	<p>[Page 9] When You May File</p> <p>You may file an application to renew your EAD within two years of:</p> <ol style="list-style-type: none"> 1. The date of your principal nonimmigrant spouse's death; 2. The date your principal nonimmigrant spouse lost status as a result of an incident of domestic violence; or 3. The termination of the marriage if there is a connection between the termination of the marriage and the battery or extreme cruelty by your principal nonimmigrant spouse. <p>If you remarry before USCIS adjudicates your Form I-765V, USCIS will deny your application.</p>	<p>[Page 9] When You May File</p> <p>You may file an application to renew your EAD within two years of:</p> <ol style="list-style-type: none"> 1. The date of your principal nonimmigrant spouse's death; 2. The date your principal nonimmigrant spouse lost status as a result of an incident of domestic violence; or 3. The termination of the marriage if there is a connection between the termination of the marriage and the battery or extreme cruelty by your principal nonimmigrant spouse. <p>If you remarry before USCIS adjudicates your Form I-765V, USCIS will deny your application.</p>
<p>Page 9-10, What Is the Filing Fee?</p>	<p>[Page 9] What Is the Filing Fee?</p> <p>There are no filing fees or biometric services fees for an initial or renewal Form I-765V application. The filing fee to replace a lost, stolen, or damaged EAD is \$410.</p> <p>NOTE: The filing fee is not refundable, regardless of any action USCIS takes on this application. DO NOT MAIL CASH. You must submit all fees in the exact amounts.</p> <p>Use the following guidelines when you prepare your check or money order for the replacement EAD Form I-765V filing fee:</p>	<p>[deleted]</p>

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; **and**

2. Make the check or money order payable to **U.S. Department of Homeland Security**.

NOTE: Spell out U.S. Department of Homeland Security; do not use the initials “USDHS” or “DHS.”

Notice to Those Paying by Check. If you send USCIS a check, we will convert it into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and your bank will show it on your regular account statement.

You will not receive your original check back. We will destroy your original check, but will keep a copy of it. If USCIS cannot process the EFT for technical reasons, you authorize us to process the copy in place of your original check. If your check is returned as unpayable, USCIS will re-submit the payment to the financial institution one time. If the check is returned as unpayable a second time, we will reject your application and charge you a returned check fee.

How To Check If the Fees Are Correct

Form I-765V’s filing fee is current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify that the fee is correct by following one of the steps below:

1. Visit the USCIS website at www.uscis.gov, select “FORMS,” and check the appropriate fee; or

2. Call the USCIS National Customer Service Center at **1-800-375-5283** and ask for fee information. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

	<p>Fee Waiver</p> <p>There are no filing fees or biometric services fees if you are applying for employment authorization for the first time or are seeking to renew your employment authorization. The filing fee to replace a lost, stolen, or damaged EAD is \$410.</p> <p>[Page 10]</p> <p>If you are seeking to replace a lost, stolen, or replacement EAD, you may be eligible for a fee waiver under 8CFR 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 fee with this application. You can review the fee waiver guidance at www.uscis.gov/feewaiver.</p>	
<p>Page 10,</p> <p>Where To File?</p>	<p>[Page 10]</p> <p>Where To File?</p> <p>Please see our website at www.uscis.gov/i-765v or call the USCIS Contact Center at 1-800-375-5283 for the most current information about where to file this application. For TTY (deaf or hard of hearing) call: 1-800-767-1833.</p>	<p>[Page 10]</p> <p>Where To File?</p> <p>Please see our website at www.uscis.gov/i-765v or call the USCIS Contact Center at 1-800-375-5283 for the most current information about where to file this application. For TTY (deaf or hard of hearing) call: 1-800-767-1833.</p>
<p>Page 12,</p> <p>Paperwork Reduction Act</p>	<p>[Page 12]</p> <p>Paperwork Reduction Act</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 and 45 minutes 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. The collection of biometrics is estimated to require 1 hour and 10 minutes.</p>	<p>[Page 12]</p> <p>Paperwork Reduction Act</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 3.567 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. The collection of biometrics is estimated to require 1 hour and 10 minutes. Send comments regarding</p>

	<p>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 Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0137. Do not mail your completed Form I-765V to this address.</p>	<p>this burden estimate or any other aspect of this collection of information, 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. Do not mail your completed Form I-765V to this address.</p>
<p>Page 12, Complete this Checklist Before Mailing Form I-765V</p>	<p>[Page 12] Complete this Checklist Before Mailing Form I-765V ... If you are applying for employment authorization for the first time, evidence that you or your children were subjected to battery and/or extreme cruelty by your nonimmigrant spouse. If your application is based on a claim that your child was battered or subjected to extreme cruelty, you must also submit evidence establishing your parental relationship with the abused child.</p>	<p>[Page 12] Complete this Checklist Before Mailing Form I-765V ... If you are applying for employment authorization for the first time, evidence that you or your children were subjected to battery and/or extreme cruelty by your nonimmigrant spouse. If your application is based on a claim that your child was battered or subjected to extreme cruelty, you must also submit evidence establishing your parental relationship with the abused child.</p>