

**TABLE OF CHANGES – INSTRUCTIONS**  
**Form I-765, Application for Employment Authorization**  
**OMB Number: 1615-0040**  
**08/07/2024**

**Reason for Revision: T Final Rule**

**Project Phase: 30 Days**

Legend for Proposed Text:

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

Expires 09/30/2027

Edition Date 08/28/2024

Current Page Number and Section	Current Text	Proposed Text
<p><b>Page 1-19,</b>  <b>Who May File Form I-765?</b></p>	<p>[Page 13]</p> <p><b>Adjustment of Status Categories</b></p> <p><b>1. Adjustment Applicant under Section 245--(c)(9).</b> File Form I-765 together with Form I-485, Application to Register Permanent Residence or Adjust Status, or if filing separately, submit a copy of your Form I-485 receipt notice or other evidence that your Form I-485 is pending. If you have filed your Form I-485 with EOIR, you must submit proof that you are currently in immigration proceedings, that you have properly filed Form I-485 with the immigration court, and that the Form I-485 remains pending, before filing Form I-765 with USCIS.</p> <p><b>NOTE:</b> If you are an asylee or refugee and have applied to adjust to lawful permanent resident status on Form I-485, file Form I-765 under category (a)(5) as an asylee or (a)(3) as a refugee. Do not file under eligibility category (c)(9). See USCIS Form G-1055, Fee Schedule, available at <a href="http://www.uscis.gov/g-1055">www.uscis.gov/g-1055</a>, for all information on filing fees.</p> <p>...</p> <p>[Page 14]</p>	<p>[Page 13]</p> <p><b>Adjustment of Status Categories</b></p> <p>[no change]</p> <p>...</p> <p>[Page 14]</p>

	<p><b>9. LIFE Legalization Applicant--(c)(24).</b>  File Form I-765 with evidence that you were a Catholic Social Services (CSS), League of United Latin American Citizens (LULAC), or Zambrano class member applicant before October 1, 2000 and a copy of the Form I-797 Notice or other evidence that your Form I-485 is pending.</p>	<p>[no change]</p> <p><b>10. Bona Fide Determination Process for T Nonimmigrant Status Principal Applicants and Eligible Family Members--(c)(40).</b> We may, in our discretion, grant deferred action to and issue a bona fide determination EAD to certain applicants for T nonimmigrant status, and eligible family members, who live in the United States.</p> <p><b>If you have previously filed for an EAD under 8 CFR 274a.12(a)(16) or (c)(25) with your Form I-914 or Form I-914 Supplement A, do not file Form I-765.</b> We will convert your previously filed application to a bona fide determination employment authorization application.</p> <p>Once we determine your principal application is bona fide, we will consider relevant discretionary factors. We will determine, in our discretion, whether to grant deferred action and issue an EAD.</p> <p>The application for your eligible family member living in the United States may only receive a bona fide determination if your principal application has been determined to be bona fide.</p> <p>Once we have determined your eligible family member's petition is bona fide, we will consider relevant discretionary factors. We will determine in our discretion whether to provide deferred action and an EAD to your eligible family member.</p> <p>If we determine your petition is bona fide and a favorable exercise of discretion is warranted, but you have <b>not</b> filed a Form I-765, which can be converted as described above, we will issue a notice to apply for an EAD. If you receive a notice to apply for an EAD, you must include this notice when filing your Form I-765.</p>
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	<p><b>10. T-1 Nonimmigrant--(a)(16).</b> If you are filing Form I-914, Application for T Nonimmigrant Status, and request an EAD as part of your application, you do not need to file Form I-765. If you are currently in T-1 nonimmigrant status and did not request an EAD when you filed your Form I-914, you may file Form I-765 to request an EAD. If you were granted T-1 nonimmigrant status and want to request a replacement of an EAD, file Form I-765 along with evidence of your T-1 nonimmigrant status (for example, an approval notice).</p> <p>If you have filed Form I-539 to extend your T-1 nonimmigrant status, you may file Form I-765 to request a renewal of your EAD, along with evidence of your T nonimmigrant status (for example, an approval notice). You may file Form I-765 together with Form I-539 or after we approve your Form I-539. If you file Form I-765 after we approve your Form I-539, submit a copy of your I-539 approval notice.</p> <p><b>[Page 18]</b></p> <p><b>11. T-2, T-3, T-4, T-5, or T-6 Nonimmigrant--(c)(25).</b> File Form I-765 along with proof of your derivative T nonimmigrant status. If you obtained derivative T nonimmigrant status while in the United States, you must submit a copy of the approval notice for your T nonimmigrant status. If you were admitted to the United States as a T nonimmigrant, you must submit a copy of your passport with your T nonimmigrant visa. If you were granted derivative T nonimmigrant status and want to request replacement of an EAD, file Form I-765 along with evidence of your derivative T nonimmigrant status (for example, an approval notice).</p> <p>...</p> <p><b>12. T Nonimmigrant Adjustment of Status--(c)(9).</b> If you filed Form I-485 to adjust your status from a T-1, T-2, T-3, T-4, T-5, or T-6 nonimmigrant to a lawful</p>	<p><b>11. T-1 Nonimmigrant--(a)(16).</b> If you are filing Form I-914, Application for T Nonimmigrant Status, and request an EAD as part of your application, you do not need to file Form I-765. If you are currently in T-1 nonimmigrant status and did not request an EAD when you filed your Form I-914, you may file Form I-765 to request an EAD. If you were granted T-1 nonimmigrant status and want to request a replacement of an EAD, file Form I-765 along with evidence of your T-1 nonimmigrant status (for example, an approval notice).</p> <p>[no change]</p> <p><b>[Page 15]</b></p> <p><b>12. T-2, T-3, T-4, T-5, or T-6 Nonimmigrant--(c)(25).</b> File Form I-765 along with proof of your derivative T nonimmigrant status. If you obtained derivative T nonimmigrant status while in the United States, you must submit a copy of the approval notice for your T nonimmigrant status. If you were admitted to the United States as a T nonimmigrant, you must submit a copy of your passport with your T nonimmigrant visa. If you were granted derivative T nonimmigrant status and want to request replacement of an EAD, file Form I-765 along with evidence of your derivative T nonimmigrant status (for example, an approval notice).</p> <p>...</p> <p><b>13. T Nonimmigrant Adjustment of Status--(c)(9).</b> If you filed Form I-485 to adjust your status from a T-1, T-2, T-3, T-4, T-5, or T-6 nonimmigrant to a lawful</p>
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permanent resident, you may file Form I-765 together with Form I-485 if you are seeking an EAD. You should also include evidence of your T nonimmigrant status (for example, an approval notice or copy of your passport with your T nonimmigrant visa). If you file Form I-765 after filing Form I-485, submit a copy of your Form I-485 receipt notice. While your Form I-485 is pending, we will extend T nonimmigrant status until a decision is made on your Form I-485.

**13. U-1 Nonimmigrant--(a)(19).** If you are currently residing in the United States and your Form I-918, Petition for U Nonimmigrant Status, is approved, you will receive employment authorization incident to status and USCIS will send you an EAD as evidence of that authorization. You do not need to file Form I-765. If you resided outside the United States when your Form I-918 was approved, you must file Form I-765 with USCIS when you enter the United States. You must submit a copy of your passport with your U nonimmigrant visa.

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**14. U-2, U-3, U-4, or U-5--(a)(20).** You may file Form I-765 at the same time as Form 918, Supplement A, Petition for Qualifying Family Member of U-1 Recipient, or you may file Form I-765 at a later time. If USCIS has granted you derivative U nonimmigrant status, file Form I-765 along with proof of your derivative U nonimmigrant status. If you obtained derivative U nonimmigrant status while in the United States, you must submit a copy of the approval notice for that status. If you were admitted to the United States as a U nonimmigrant, you must submit a copy of your passport with your U nonimmigrant visa.

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**15. U Nonimmigrant Adjustment of Status--(c)(9).** If you filed Form I-485 to adjust your status from a U-1, U-2, U-3, U-4, or U-5 Nonimmigrant to a lawful

permanent resident, you may file Form I-765 together with Form I-485 if you are seeking an EAD. You should also include evidence of your T nonimmigrant status (for example, an approval notice or copy of your passport with your T nonimmigrant visa). If you file Form I-765 after filing Form I-485, submit a copy of your Form I-485 receipt notice. While your Form I-485 is pending, we will extend T nonimmigrant status until a decision is made on your Form I-485.

**14. U-1 Nonimmigrant--(a)(19).** If you are currently residing in the United States and your Form I-918, Petition for U Nonimmigrant Status, is approved, you will receive employment authorization incident to status and USCIS will send you an EAD as evidence of that authorization. You do not need to file Form I-765. If you resided outside the United States when your Form I-918 was approved, you must file Form I-765 with USCIS when you enter the United States. You must submit a copy of your passport with your U nonimmigrant visa.

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**15. U-2, U-3, U-4, or U-5--(a)(20).** You may file Form I-765 at the same time as Form 918, Supplement A, Petition for Qualifying Family Member of U-1 Recipient, or you may file Form I-765 at a later time. If USCIS has granted you derivative U nonimmigrant status, file Form I-765 along with proof of your derivative U nonimmigrant status. If you obtained derivative U nonimmigrant status while in the United States, you must submit a copy of the approval notice for that status. If you were admitted to the United States as a U nonimmigrant, you must submit a copy of your passport with your U nonimmigrant visa.

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**16. U Nonimmigrant Adjustment of Status--(c)(9).** If you filed Form I-485 to adjust your status from a U-1, U-2, U-3, U-

permanent resident, you may file Form I-765 along with Form I-485 if you are seeking an EAD. You should also include evidence of your U nonimmigrant status (for example, an approval notice or copy of your passport with your U nonimmigrant visa). If you file Form I-765 after filing your Form I-485, submit a copy of your Form I-485 receipt notice. While your Form I-485 is pending, we will extend your U nonimmigrant status until we make a decision on your Form I-485.

**16. VAWA Self-Petitioners--(c)(31).** If you are the self-petitioner or derivative child of an approved Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, filed as a VAWA self-petitioner and residing in the United States, you are eligible for work authorization. If you are filing a Form I-360 VAWA self-petition, and request an initial EAD on Form I-360 as the principal beneficiary of the self-petition, you do not need to file Form I-765. Principal beneficiaries of an approved VAWA self-petition seeking a renewal or replacement EAD, and derivative children seeking an EAD must use Form I-765. File Form I-765 with evidence of the principal beneficiary's approved Form I-360 VAWA self-petition (for example, a copy of the VAWA self-petition approval notice).

**17. A-3 or G-5 Nonimmigrant--(c)(14).** If you have filed a pending civil action against your employer because your employer violated the terms of your employment contract or conditions of your employment, you may file Form I-765 to request deferred action and receive work authorization. File Form I-765 with a copy of the civil complaint filed in court and proof of lawful admission into the United States in A-3 or G-5 status (for example, a copy of your passport with your A-3 or G-5 nonimmigrant visa). If you are requesting renewal after your initial employment authorization is granted, file Form I-765 with evidence that the civil case is still pending (for example, a recent court docket update).

**18. Applicant for Commonwealth of the Northern Mariana Islands (CNMI)**

4, or U-5 Nonimmigrant to a lawful permanent resident, you may file Form I-765 along with Form I-485 if you are seeking an EAD. You should also include evidence of your U nonimmigrant status (for example, an approval notice or copy of your passport with your U nonimmigrant visa). If you file Form I-765 after filing your Form I-485, submit a copy of your Form I-485 receipt notice. While your Form I-485 is pending, we will extend your U nonimmigrant status until we make a decision on your Form I-485.

**17. VAWA Self-Petitioners--(c)(31).** If you are the self-petitioner or derivative child of an approved Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, filed as a VAWA self-petitioner and residing in the United States, you are eligible for work authorization. If you are filing a Form I-360 VAWA self-petition, and request an initial EAD on Form I-360 as the principal beneficiary of the self-petition, you do not need to file Form I-765. Principal beneficiaries of an approved VAWA self-petition seeking a renewal or replacement EAD, and derivative children seeking an EAD must use Form I-765. File Form I-765 with evidence of the principal beneficiary's approved Form I-360 VAWA self-petition (for example, a copy of the VAWA self-petition approval notice).

**18. A-3 or G-5 Nonimmigrant--(c)(14).** If you have filed a pending civil action against your employer because your employer violated the terms of your employment contract or conditions of your employment, you may file Form I-765 to request deferred action and receive work authorization. File Form I-765 with a copy of the civil complaint filed in court and proof of lawful admission into the United States in A-3 or G-5 status (for example, a copy of your passport with your A-3 or G-5 nonimmigrant visa). If you are requesting renewal after your initial employment authorization is granted, file Form I-765 with evidence that the civil case is still pending (for example, a recent court docket update).

**19. Applicant for Commonwealth of the**

	<p><b>Long-Term Resident Status-- (c)(37).</b>  You must file Form I-765 together with your Form I-955, Application for CNMI Long-Term Resident Status. If you do not submit your Form I-765 with all applicable fees together with your Form I-955, the entire submission will be rejected. If your Form I-955 is approved, you will receive an employment authorization document as evidence of your CNMI Long-Term Resident Status and evidence that you are authorized for employment in the CNMI incident to status.</p>	<p><b>Northern Mariana Islands (CNMI) Long-Term Resident Status-- (c)(37).</b>  You must file Form I-765 together with your Form I-955, Application for CNMI Long-Term Resident Status. If you do not submit your Form I-765 with all applicable fees together with your Form I-955, the entire submission will be rejected. If your Form I-955 is approved, you will receive an employment authorization document as evidence of your CNMI Long-Term Resident Status and evidence that you are authorized for employment in the CNMI incident to status.</p>
<p><b>Page 31,  Paperwork Reduction Act</b></p>	<p><b>[Page 31]</b>   <b>Paperwork Reduction Act</b></p> <p>USCIS may not conduct or sponsor an information collection, and you are 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 4 hours and 30 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. The public reporting burden for the collection of information for Form I-765WS is estimated at 30 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. 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, Office of Policy and Strategy, Regulatory Coordination Division, 5900 Capital Gateway Drive, Mail Stop #2140, Camp Springs, MD 20588-0009; OMB No. 1615-0040. <b>Do not mail your completed Form I-765 to this address.</b></p>	<p><b>[Page 26]</b>   <b>Paperwork Reduction Act</b></p> <p>USCIS may not conduct or sponsor an information collection, and you are 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 <b>4.38 hours</b> 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. The public reporting burden for the collection of information for Form I-765WS is estimated at 30 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. 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, Office of Policy and Strategy, Regulatory Coordination Division, 5900 Capital Gateway Drive, Mail Stop #2140, Camp Springs, MD 20588-0009; OMB No. 1615-0040. <b>Do not mail your completed Form I-765 to this address.</b></p>

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