

# I-765 Employment Authorization Package

## Overview for Filing Form I-765

**ORDER#**  
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**Contact Us**  
**786-551-1119**  
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### What Is the Purpose of Form I-765?

If you are a foreign national in the United States seeking employment authorization and an Employment Authorization Document (EAD), or if your immigration status authorizes you to work in the United States without restrictions, you may use Form I-765, Application for Employment Authorization, to request an EAD from USCIS. Please refer to the "Who May File Form I-765" section of these instructions to determine if you should use this form.

Additionally, foreign nationals can apply for a Social Security number and card using Form I-765, following the guidelines provided in the Specific Instructions section of these instructions, Part 2. Information About You, Item Numbers 13.a. - 17.b.

However, if you are a lawful permanent resident, a conditional permanent resident, or a nonimmigrant authorized for employment with a specific employer under 8 CFR 274a.12(b), you should not use Form I-765.

An Employment Authorization Document (EAD) is a card that serves as proof that the holder is authorized to work in the United States. This card may be referred to as Form I-688A, Form I-688B, Form I-766, or any successor document.

An Initial EAD is issued for the first time to an eligible applicant under a specific eligibility category.

A Renewal EAD is issued to an eligible applicant after the previous EAD issued under the same category has expired.

A Replacement EAD is issued to an eligible applicant when the previously issued EAD has been lost,

stolen, damaged, or contains errors such as a misspelled name.  
For more information on Employment Authorization Documents, please visit  
[www.uscis.gov/greencard/employment-authorization-document](http://www.uscis.gov/greencard/employment-authorization-document)

## Who May File Form I-765?

You are eligible to file Form I-765 if you belong to one of the following categories. For some categories, you are authorized to work incident to your underlying immigration status. For instance, refugees and asylees are authorized to work as soon as they obtain their status. In such cases, your Employment Authorization Document (EAD) will be issued upon approval of your Form I-765, and the EAD will serve as evidence of your employment authorization. However, for other categories such as parolees or individuals with deferred action, you must first receive approval for your Form I-765 before you can work in the United States. Once your Form I-765 is approved, USCIS will issue your EAD.

When you complete Form I-765, you should type or print your eligibility category in Part 2, Item Number 27, of the form. You should only enter one category number on your application. For instance, if you are a refugee applying for an EAD, you should type or print “(a)(3)” in Item Number 27.

Please note that a person with a pending application for an immigration benefit or request might have a different category number than the person who has already been granted the benefit or request. For instance, certain pending asylum applicants are category “(c)(8),” but a person who has already been granted asylum is category “(a)(5).”

**1. Refugee--(a)(3).** If an initial Form I-765 was not already prepared for you before your arrival as a refugee in the United States, or if you are requesting to renew your EAD, file Form I-765 with a copy of one of the following: your stamped Form I-94, Arrival-Departure Record; your Final Notice of Eligibility for Resettlement (approval letter); or your Form I-797 Notice approving your derivative refugee status based on a Form I-730, Refugee/Asylee Relative Petition (if approved while in the United States).

**NOTE:** If you were admitted as a refugee and have applied under the Immigration and Nationality Act (INA) section 209 to adjust to lawful permanent resident status using Form I-485, Application to Register Permanent Residence or Adjust Status, file Form I-765 under category (a)(3) as a refugee. Do not file Form I-765 under eligibility category (c)(9) as an INA section 245 adjustment applicant.

**2. Paroled as a Refugee--(a)(4).** If you have been paroled as a refugee, you must submit Form I-765 along with a copy of your passport, Form I-94, or travel document. However, if you are a parolee in the Commonwealth of the Northern Mariana Islands (CNMI) or have been granted parole under humanitarian or significant public benefit programs like the Cuban Family or Haitian Family Reunification Parole programs, you should file under the category (c)(11) instead of (a)(4) as a refugee.

**3. Asylee (Granted Asylum)-- (a)(5).** To file for employment authorization as an asylee (Granted Asylum), you must submit Form I-765 along with a copy of one of the following documents: your stamped Form I-94 that confirms your asylee status, an approval letter from USCIS for your asylum application, an order granting asylum signed by an immigration judge from the Executive Office for Immigration Review (EOIR IJ), or a Form I-797 Notice that approves your derivative asylee status based on a Form I-730 (if approved while in the United States).

Please note that if you are an asylee who has also applied for lawful permanent resident status using Form I-485 under INA section 209, you must file Form I-765 under category (a)(5) as an asylee. You should not file Form I-765 under eligibility category (c)(9) as an INA section 245 adjustment applicant.

**4. Granted Withholding of Deportation or Removal--(a)(10).** Under category (a)(10), you must file Form I-765 along with a copy of the EOIR IJ's signed order granting withholding of deportation or removal if you have been granted withholding of deportation or removal.

**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, please refer to the Special Filing Instructions for Those With Pending Asylum Applications under category (c)(8) in the Required Documentation section of these Instructions.

- 1 If you are a citizen of Micronesia, the Marshall Islands, or Palau, you must file Form I-765 under category (a)(8) and include evidence that you were admitted to the United States as a citizen of the Federated States of Micronesia (CFA/FSM), the Marshall Islands (CFA/MIS), or Palau under agreements between the United States and the former trust territories.
- 2 To apply for employment authorization under Deferred Enforced Departure (DED), you must file Form I-765 under category (a)(11) and provide evidence of your identity and nationality. If you do not have a nationality, you must submit evidence of your residence in the last country in which you habitually resided. Additionally, you should state your basis for claiming that you are covered by DED and provide evidence (if available) to support your claim.
- 3 Temporary Protected Status (TPS)--(a)(12) and (c)(19). File Form I-765 with your Form I-821, Application for Temporary Protected Status, or evidence that we accepted or approved your initial Form I-821. Include evidence of your nationality and identity as required by the Form I-821 Instructions. If an EOIR IJ or the Board of Immigration Appeals (BIA) granted TPS, and you are requesting your first EAD or are re-registering for the first time, you must submit a copy of the EOIR IJ or BIA order that granted TPS with your Form I-765 (such as a copy of your Form I-821 that the EOIR IJ or BIA approved). You must also follow the instructions for filing your application as described in the most recent TPS Federal Register notice regarding a TPS designation, re-designation, or extension for your country. Please check the USCIS website at [www.uscis.gov/tps](http://www.uscis.gov/tps) for procedures to register or re-register for TPS, including obtaining an EAD, if your country has been designated for TPS.

In the event that your non-expired Temporary Protected Status (TPS) Employment Authorization Document (EAD) is lost, stolen, or damaged, you must file Form I-765 along with the required fees to request a replacement. Additionally, you must include a copy of your approval notice for TPS (if you have been approved) or a copy of your previous Form I-797 Notice for Form I-821 if your TPS application is still pending.

**A.** If your Temporary Protected Status (TPS) application was approved, you requested an Employment Authorization Document (EAD), and you were not previously issued a category (c)(19) EAD that runs

through the current TPS designation, re-designation, or extension period for your country, we may issue you a category (a)(12) EAD.

To re-register for TPS, you must file your Form I-765, Form I-821, and a letter indicating that this application is for TPS re-registration. Additionally, you must include a copy (front and back) of your last available TPS document (such as an EAD, Form I-94, passport, or travel document, or a Form I-797 Notice). Please note that to re-register for TPS, you must file Form I-821; however, you are not required to file Form I-765 if you do not need an EAD.

**B.** If you have a pending Form I-821 and are prima facie eligible for Temporary Protected Status (TPS), we may issue you a category (c)(19) Employment Authorization Document (EAD). A category (c)(19) EAD is a temporary benefit under TPS as defined in 8 CFR Part 244.

**4.** Under category (c)(10), Nicaraguan Adjustment and Central American Relief Act (NACARA) Section 203 Applicants who are eligible to apply for NACARA Relief with the U.S. Citizenship and Immigration Services (USCIS) must refer to the Instructions to Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to Section 203 of Public Law 105-100 (NACARA)), to determine their eligibility.

If you are eligible to apply for NACARA 203 relief with USCIS, you may file Form I-765 along with your Form I-881. To determine the most current information on where to file Form I-881, please visit our website at [www.uscis.gov/I-881](http://www.uscis.gov/I-881). If you are eligible to file Form I-881 with the Executive Office for Immigration Review (EOIR), or if you have already filed Form I-881 with USCIS or EOIR, please see the Where to File section of these instructions.

If you are filing for an Employment Authorization Document (EAD) related to your NACARA application, you may be eligible for a fee waiver under 8 CFR 103.7(c)(3)(xi).

**5.** Under category (c)(2), Dependent of TECRO E-1 Nonimmigrant, if you are the spouse or unmarried dependent son or daughter of an E-1 employee of the Taipei Economic and Cultural Representative Office, you must file Form I-765 with the required certification from the American Institute in Taiwan.

## **F-1 Student Seeking Optional Practical Training (OPT) in a Position Directly Related to Major Area of Study**

It is important to note that if you are an F-1 student filing for the initial or extension of Optional Practical Training (OPT), your OPT and employment authorization will be automatically terminated if you change educational program levels or transfer to another school. Working in the United States without authorization may lead to your removal from the United States or denial of re-entry. For more information, please consult with your Designated School Official (DSO) for additional details.

**A. Pre-Completion OPT--(c)(3)(A).** Under category (c)(3)(A), Pre-Completion Optional Practical Training (OPT), you can file Form I-765 up to 90 days before being enrolled for one full academic year, as long as the period of employment does not begin before you complete one full academic year. You are eligible to apply for OPT if you have completed one full academic year while lawfully enrolled on a full-time basis at a college, university, conservatory, or seminary approved by the U.S. Immigration and Customs Enforcement (ICE) Student and Exchange Visitor Program (SEVP) for attendance by F-1 foreign students, even if you completed it while in another valid nonimmigrant status and now you are in valid F-1 status.

You must include evidence of having been lawfully enrolled on a full-time basis for one full academic year, all previously used Student and Exchange Visitor Information System (SEVIS) numbers, and evidence of any previously authorized Curricular Practical Training (CPT) or OPT and academic level at which each was authorized. Additionally, you must include a Certificate of Eligibility of Nonimmigrant (F-1) Student Status (Form I-20) endorsed by the Designated School Official (DSO) before filing Form I-765.

**B. Post-Completion OPT--(c)(3)(B).** Under category (c)(3)(B), Post-Completion Optional Practical Training (OPT), you must file Form I-765 up to 90 days before your program end date but no later than 60 days after it. Additionally, use Part 6. Additional Information to provide all previously used Student and Exchange Visitor Information System (SEVIS) numbers and evidence of any previously authorized Curricular Practical Training (CPT) or OPT and the academic level at which it was authorized

Please note that you must file your Form I-765 within 30 days of the date that your Designated School Official (DSO) enters the recommendation for OPT into your SEVIS record. Failure to do so will result in the denial of your OPT request.

**C. 24-Month Extension for STEM Students (Students With a Degree in Science, Technology, Engineering, or Mathematics)--(c)(3)(C).** For students with a degree in Science, Technology, Engineering, or Mathematics (STEM), requesting a 24-month extension, file Form I-765 up to 90 days before the current OPT expiration date. Provide evidence that your degree is on the current STEM Designated Degree Program List and include the employers name, E-Verify Company Identification Number, or valid E-Verify Client Company Identification Number in Part 2., Item Numbers 28.a. - 28.c., of Form I-765. A copy of the Form I-20 endorsed by the DSO within 60 days before filing Form I-765 is required. If applying for a STEM OPT extension based on a previously earned STEM degree, also include a copy of the prior STEM degree and evidence of the institutions current accreditation by the U.S. Department of Education and certification by the SEVP.

To apply for off-campus employment under the sponsorship of a qualifying international organization as an F-1 student, file Form I-765 along with a letter of certification from the international organization stating that the proposed employment is within the scope of its sponsorship. Also, provide a copy of Form I-20 with the employment page completed by the DSO to certify eligibility for employment.

**E. F-1 Student Seeking Off-Campus Employment Due to Severe Economic Hardship--(c)(3)(iii).** When applying for off-campus employment under (c)(3)(iii) as an F-1 student due to severe economic hardship caused by unforeseen circumstances beyond your control, you must file Form I-765 along with a copy of the Form I-20 that has the employment page completed by the DSO certifying your eligibility for employment. You should also provide evidence that supports the claim of severe economic hardship, such as unexpected changes in your financial situation, substantial fluctuations in the value of currency, or unexpected medical bills.

- (1) You have been in F-1 status for one full academic year;
- (2) You are in good standing as a student;
- (3) You are carrying a full course of study;
- (4) Acceptance of employment will not interfere with your carrying a full course of study;
- (5) The employment is necessary to avoid severe economic hardship due to unforeseen circumstances beyond your control; and
- (6) On-campus employment is unavailable or is not sufficient to meet the needs that have arisen due to the unforeseen circumstances.



**F. J-2 Spouse or Minor Child of an Exchange Visitor--(c)(5).** To apply for employment authorization as a J-2 spouse or minor child of an exchange visitor, you should file Form I-765 along with a copy of Form DS-2019 and proof that the J-1 principal foreign national is maintaining status. You should also provide evidence that any income you earn from this employment will not be used to support the J-1 principal foreign national. Additionally, include evidence of your current status and any previously authorized periods of J-2 employment.

**G. M-1 Student Seeking Post-Completion OPT After Completing Studies--(c)(6).** To apply for post-completion OPT after completing studies as an M-1 student, submit Form I-765 with a copy of the Form I-20 that the DSO has endorsed, certifying employment eligibility, along with Form I-539, Application to Change/Extend Nonimmigrant Status, if necessary, according to the Form I-539 Instructions. You should send the completed forms to us before, but no more than 90 days before, your program end date. If applicable, your Form I-539 should request a stay extension that includes the requested period of post-completion OPT and a 30-day departure period. Please note that you can apply for one month of OPT for every four months of full-time study completed as an M-1 student.

## **The eligible categories for dependents of employees of diplomatic missions, international organizations, or NATO.**

**1. Dependent of A-1 or A-2 Foreign Government Officials--(c)(1).** Submit Form I-765 and Form I-566, which is the Interagency Record of Request-A, G, or NATO Dependent Employment Authorization or Change/Adjustment to/from A, G, or NATO Status, Dependent Employment Authorization, through your diplomatic mission to the Department of State (DOS), if you are a dependent of A-1 or A-2 Foreign Government Officials. Once the application is favorably endorsed, DOS will forward it to USCIS for adjudication.

**2. Dependent of G-1, G-3, or G-4 Nonimmigrant--(c)(4).** Submit Form I-765 along with Form I-566 through your international organization to the Department of State (DOS) if you are a dependent of G-1, G-3, or G-4 nonimmigrant. If you are associated with the United Nations (UN) and UN missions located in New York City, please submit the applications to the U.S. Mission to the UN (USUN). Once DOS or USUN favorably endorses your applications, they will forward them directly to USCIS for adjudication.

**3. Dependent of NATO-1 Through NATO-6--(c)(7).** If you are a dependent of a North Atlantic Treaty Organization (NATO) nonimmigrant who is stationed at Supreme Allied Command Transformation (SACT), NATO/HQ, you should submit Form I-765 along with Form I-566 to:

If you are a dependent of a NATO nonimmigrant who is stationed outside of NATO/HQ SACT, you should submit your Form I-765 along with Form I-566 to the Defense Attaché's Office at the embassy of the NATO member that employs the foreign national. For information about the necessary documents and contacts at NATO member embassies, please visit the DOS website at [www.state.gov/ofm](http://www.state.gov/ofm) and refer to the topic "Dependent Work Authorization." If you have any inquiries about the process or the required documents, you can send an email to [OFM-EAD@state.gov](mailto:OFM-EAD@state.gov).

**1. To apply for an Employment Authorization Document (EAD) under category (c)(17)(i)** as a B-1 nonimmigrant personal or domestic servant of a nonimmigrant employer, you must submit Form I-765 along with the following documents:

**A.** Proof of your lawful B nonimmigrant status, such as your Form I-94, passport, or other travel document;

- B.** Evidence that your employer is a B, E, F, H, I, J, L, M, O, P, Q, or TN nonimmigrant;
- C.** Documentation showing that you have worked for the employer for at least one year before the employer entered the United States or that your employer has regularly employed personal and domestic servants for a period of years before coming to the United States;
- D.** Evidence that you have worked for the employer as a personal or domestic servant for at least one year, or have at least one year of experience as a personal or domestic servant; and
- E.** Proof that you have a foreign residence that you have no intention of abandoning.

**2. B-1 Nonimmigrant Domestic Servant of a U.S. Citizen--(c)(17)(ii). File Form I-765 with:**

- A.** proof of their lawful B nonimmigrant status such as Form I-94, passport, or other travel document;
- B.** evidence of their employers U.S. citizenship;
- C.** proof that their employer has a permanent home abroad or is stationed outside the U.S. and temporarily visiting the country, or proof that their current U.S. assignment will not exceed four years; and
- D.** evidence that they have been employed by their employer as a domestic servant for at least six months before their admission to the United States.

**3. B-1 Nonimmigrant Employed by a Foreign Airline--(c)(17)(iii). File Form I-765 with:**

- A.** Evidence of your lawful B nonimmigrant status (for example, your Form I-94, passport, or other travel document); and
- B.** Additionally, you must provide a letter from the airline that fully describes your duties and states your position would qualify you for E nonimmigrant status, except for the fact that you are not a national of the same country as the airline or because there is no treaty of commerce and navigation in effect between the United States and that country.

**4. Spouse of an E-1 Treaty Trader, E-2 Treaty Investor, or E-3 Specialty Occupation Professional from Australia--(a)(17). File Form I-765 with:**

- A.** Evidence of your lawful E nonimmigrant status (for example, your Form I-94, passport, or other travel document); and
- B.** Evidence of your spouses lawful E nonimmigrant status, such as a copy of your spouses Form I-94, passport, or other travel document, and your marriage certificate.

Note that other relatives or dependents of E nonimmigrants in E status are not eligible for employment authorization under this category.

**5. Spouse of an L-1 Intracompany Transferee--(a)(18). File Form I-765 with:**

- A.** Evidence of your lawful L nonimmigrant status (such as your Form I-94, passport, or other travel document) and

**B.** Evidence of your spouses lawful L nonimmigrant status (such as a copy of their Form I-94, passport, or other travel document) and your marriage certificate.

Keep in mind that other relatives or dependents of L nonimmigrants in L status are not eligible for employment authorization and cannot apply under this category.

## **6. Spouse of an E-2 Commonwealth of Northern Mariana Islands (CNMI) Investor--(c)(12).**

File Form I-765 along with the necessary evidence mentioned in the "Special Filing Instructions for Spouses of E-2 CNMI Investors" section of the required documentation.

**Note** that if your spouse obtained their E-2 CNMI investor status based on a Foreign Retiree Investment Certification, you are not eligible to apply for employment authorization under this category.

**7. Spouse of an H-1B Nonimmigrant--(c)(26).** File Form I-765 along with documentation of your current H-4 admission or extension of stay. You must also submit documentation establishing either your spouse is the beneficiary of an approved Form I-140, Immigrant Petition for Alien Worker, or your spouse received H-1B status based on the American Competitiveness in the Twenty-First Century Act (AC21) sections 106(a) and (b). For your convenience, you may file Form I-765 with Form I-539. However, we will not process your Form I-765 (except filing fees), until after we have adjudicated your Form I-539. You may also file Form I-765 at the same time as your Form I-539 and your H1-B spouse's Form I-129, Petition for a Nonimmigrant Worker. Please see the USCIS website at [www.uscis.gov/I-765](http://www.uscis.gov/I-765) for the most current information on where to file this benefit request

To apply for work authorization, you must provide the following documentation:

- A.** a copy of your current Form I-797 Notice for Form I-539, or Form I-94 indicating your admission as an H-4 nonimmigrant or your most recent approved extension of stay,
- B.** a copy of your marriage certificate to establish your relationship to the principal H-1B, and
- C.** acceptable documentation that demonstrates the basis for your work authorization, such as evidence that the H-1B principal is the beneficiary of an approved Form I-140, which can be shown by providing a copy of your spouses Form I-797 Notice for Form I-140. If you are unable to provide a copy of your current Form I-797 Notice, Form I-94, or

(2) H-1B Principal Received AC21 106(a) and (b) Extension. You must provide the following documents: copies of your spouses passports, prior Form I-94s, and current and prior Form I-797 Notices for Form I-129 to establish their admission or extension of stay under AC21 106(a) and (b). Additionally, you must provide evidence to support one of the following bases for your spouses H-1B extension of stay.

If your spouses extension of stay under AC21 sections 106(a) and (b) is based on the filing of a Permanent Labor Certification Application, you must provide evidence that your spouse is the beneficiary of such an application filed at least 365 days before the admission authorized under AC21 took effect. You can demonstrate this by submitting a printout from the Department of Labors (DOL) website or other correspondence from DOL indicating the status of the Permanent Labor Certification Application. If the Permanent Labor Certification was certified by DOL, you must also provide a copy of the Form I-797



Notice for Form I-140 establishing that the Form I-140 was filed within 180 days of DOL certifying the Permanent Labor Certification, or

If the preference category sought for the principal H-1B spouse does not require a Permanent Labor Certification Application with DOL, and your spouses extension of stay under AC21 sections 106(a) and (b) is based on a pending Form I-140, you must provide evidence that the Form I-140 was filed at least 365 days before the admission authorized under AC21 took effect. You can demonstrate this by submitting a copy of the Form I-797 Notice for Form I-140.

**(c) Secondary Evidence.** If you are unable to provide the evidence listed in items (a) or (b) to support your application for employment authorization as an H-4 spouse, you may request that USCIS consider secondary evidence. This may include submitting alternative evidence to establish the basis for your employment authorization, such as the receipt number of your spouses most current Form I-129 extension of stay or Form I-140 approved on your spouses behalf, as described in items (1) and (2). Please note that failing to provide the required evidence or secondary evidence may result in a delay or denial of your Form I-765. For more information on secondary evidence, please refer to the Evidence section in the General Instructions of these Instructions.

**8.** To apply for an initial grant or renewal of employment authorization under the (c)(35) eligibility category as the principal beneficiary of an approved employment-based immigrant petition facing compelling circumstances, you must file Form I-765 along with supporting documentation that demonstrates your eligibility for this benefit.

If this is your first application for compelling circumstances employment authorization under the (c)(35) eligibility category, and you do not have an immigrant visa number available to you, you may be eligible if:

- (1) You have NOT filed Form I-485;
- (2) You have a Form I-140 approved on your behalf;
- (3) You are in the United States in a valid E-3, H-1B, H-1B1, O-1, or L-1 nonimmigrant status; and
- (4) You face compelling circumstances.

For more information on the documents required to support your application, including additional requirements if you have been convicted of certain crimes, please refer to Item C - Supporting Evidence by Principal below.

- 1      You have a Form I-140 approved on your behalf;
- 2      You face compelling circumstances, and an immigrant visa is not authorized for issuance based on your priority date according to the relevant Final Action Date in the Department of State Visa Bulletin in effect on the date you file the renewal application; OR

You may also be eligible for renewal if your priority date is not more than one year earlier or one year later than the Final Action Date for your preference category and country of chargeability, as indicated in the Department of State Visa Bulletin in effect on the date you file the renewal application. In this case, you do not need to demonstrate compelling circumstances. AND

- 3 It is important to note that you must file your renewal application on Form I-765 with USCIS before your current employment authorization expires, and you do not need to be in a valid nonimmigrant status when you file the renewal application.

For more information on the documents required to support your application, including additional requirements if you have been convicted of certain crimes, please refer to Item C - Supporting Evidence by Principal below.

#### C. Supporting Evidence by Principal

1. **Proof You Are in the United States in E-3, H-1B, H-1B1, O-1, or L-1 Nonimmigrant Status.** For initial applications, submit a copy of your Arrival-Departure Record (Form I-94) showing your admission as an E-3, H-1B, H-1B1, O-1, or L-1 nonimmigrant, or a copy of your current Form I-797 Notice for Form I-129.
2. **Proof of Your Approved Form I-140.** For initial and renewal applications, submit a copy of a Form I-797 Notice for Form I-140 showing the Immigrant Petition has been approved on your behalf.

To support your (c)(35) eligibility category application based on compelling circumstances, you need to provide evidence that you are facing such circumstances while you wait for your immigrant visa to become available. For initial and renewal applications based on compelling circumstances, USCIS will review the documents you submit to determine, in its discretion, whether you have established compelling circumstances. The determination is made on a case-by-case basis according to the documents provided and the totality of the record. Therefore, you should submit any credible evidence that you believe supports your claim of compelling circumstances.

**4. Secondary Evidence.** If you are unable to provide the evidence listed in Items (1) or (2) above, you may request that USCIS consider secondary evidence to support your application for employment authorization under the (c)(35) eligibility category. Please note that USCIS has the discretion to accept or reject any secondary evidence, and failure to provide sufficient evidence may result in a delay or denial of your Form I-765. For more information on secondary evidence, please refer to the Evidence section in the General Instructions of these Instructions.

**5. Proof of Arrests and Conviction.** When filing initial and renewal applications under the (c)(35) eligibility category, you are required to submit documentation of any arrests and/or convictions. If you have ever been convicted of a felony or two or more misdemeanors, you will not be eligible for employment authorization under this category. USCIS will determine whether your crimes fall into either of these categories. It is important to provide information and any supporting documentation regarding all crimes that you were convicted of so that USCIS can make an appropriate decision. You need to provide certified copies of all arrest reports, court dispositions, sentencing documents, and any other relevant documents.

Please note that USCIS has the discretion to deny your application if you have been arrested and/or convicted of any crime.

**D. Traffic Violations and Arrests** Do not select the “Yes” box for Part 2. , Item Number 30., on the application or submit documentation if you only have had minor traffic violations. Minor traffic violations do NOT include violations that are alcohol- or drug-related. If you were ARRESTED for any traffic offense, select the “Yes” box for Item Number 30. on the application and provide arrest and disposition documentation so USCIS can properly assess whether your arrest and/or conviction may impact your employment authorization eligibility.

It is important to note that even if your records were sealed, expunged, or otherwise cleared, you must still provide conviction and disposition documentation when filing an application for employment authorization under the (c)(35) eligibility category. This is required even if anyone, including a judge, law enforcement officer, or attorney told you that you no longer have a record or that you do not have to disclose the information.

Failure to provide the evidence listed above or secondary evidence may result in a delay or denial of your application for employment authorization.

9. Spouse or Unmarried Child of a Principal Beneficiary of an Approved Employment-Based Immigrant Petition--(c)(36). To apply for an initial grant or renewal of employment authorization under the (c)(36) eligibility category as the spouse or unmarried child of a principal beneficiary of an approved employment-based immigrant petition, you must file Form I-765 along with supporting documentation. You have the option to file your application together with your spouses or parents application under (c)(35). You can file your application while your spouses or parents application is pending or after it has been approved by USCIS.

If you choose to file your application with your spouses or parents application under (c)(35), USCIS will not adjudicate your Form I-765 until after USCIS has adjudicated your spouses or parents Form I-765 first. Make sure to provide all the necessary supporting documents along with your application to avoid any delay or denial of your application for employment authorization under the (c)(36) eligibility category.

A. Initial Application: If this is your first application for employment authorization under the (c)(36) eligibility category, you may be eligible if:

- 1 You are the spouse or unmarried child of an individual who is filing or who has been approved for compelling circumstances employment authorization under (c)(35) (See Proof of Relationship to the Principal Beneficiary of the Approved Form I-140 section below);
- 2 Your spouse's or parent's application for compelling circumstances employment authorization under (c)(35) has been approved or is pending with USCIS (not required if you are filing your application at the same time as your spouse's or parent's application under (c)(35)); and
- 2 You were in a valid nonimmigrant status when your spouse or parent applies for initial employment authorization under the (c)(35) eligibility category.

**See Item C.** For further details on which documents to include with your application, including any additional obligations in case you have a criminal record or have been arrested, please refer to Supporting Evidence by Spouse or Unmarried Child section below.

## 6. Spouse of an E-2 Commonwealth of Northern Mariana Islands (CNMI) Investor--(c)(12).

- 1 You are the spouse or unmarried child of an individual who is filing or who has been approved for compelling circumstances employment authorization under (c)(35) (See Proof of Relationship to the Principal Beneficiary of the Approved Form I-140 section below);
- 2 Your spouse's or parent's application for compelling circumstances employment authorization under (c)(35) has been approved or is pending with USCIS (not required if you are filing your application at the same time as your spouse's or parent's application under (c)(35)); and
- 2 You were in a valid nonimmigrant status when your spouse or parent applies for initial employment authorization under the (c)(35) eligibility category.

**See Item C.** For further details on which documents to include with your application, including any additional obligations in case you have a criminal record or have been arrested, please refer to Supporting Evidence by Spouse or Unmarried Child section below.

### B. Renewal Application: You may be eligible to renew your application under the (c)(36) eligibility category if:

- 1 You file Form I-765 before your current employment authorization expires;
- 2 You qualify if you are the spouse or unmarried child of someone who has filed, or has been approved for, employment authorization under the (c)(35) eligibility category based on compelling circumstances. Please refer to Proof of Relationship to the Principal Beneficiary of the Approved Form I-140 section below for more information, and
- 2 Your spouse's or parent's application for compelling circumstances employment authorization under (c)(35) has been approved or is currently pending with USCIS. However, if you are filing your application at the same time as your spouse's or parent's renewal application under (c)(35), this requirement is not necessary.

You are not required to be in a valid nonimmigrant status when you file your renewal application.

## C. Supporting Evidence by Spouse or Unmarried Child

**1 Proof of Your Nonimmigrant Status.** For initial applications, you need to provide evidence of your nonimmigrant status, which includes a copy of your Arrival-Departure Record (Form I-94) indicating your admission as a nonimmigrant, a copy of your current Form I-797 Notice for Form I-129, or a copy of your current Form I-797 Notice for Form I-539.

**2. Proof of Relationship to the Principal Beneficiary of the Approved Form I-140.** For both initial and renewal applications, you must provide proof of your relationship to the principal beneficiary of the approved Form I-140. If you are applying as the spouse of the principal beneficiary, you need to submit a

copy of the marriage certificate, along with documents indicating the legal termination of any previous marriages for you or your spouse. In case you are applying as the child of the principal beneficiary, you need to submit a copy of your birth certificate or any other relevant documents that confirm your relationship with the principal beneficiary. If you are unable to submit these documents, USCIS may consider secondary evidence.

## **D. Traffic Violations and Arrests**

That's correct. If you only have minor traffic violations, you should not select the "Yes" box for Part 2, Item Number 31.b., on the application or submit any documentation. However, if you were arrested for a traffic offense, you should select the "Yes" box for Item Number 31.b. and provide arrest and disposition documentation so USCIS can determine whether your arrest and/or conviction may affect your eligibility for employment authorization.

It is important to note that even if your records have been sealed, expunged, or otherwise cleared, you must still provide conviction and disposition documentation as required. This applies even if a judge, law enforcement officer, or attorney has informed you that you no longer have a record or that you do not need to disclose the information.

Failure to provide the necessary evidence or secondary evidence may result in the delay or denial of your application for employment authorization.

Department of State Visa Bulletin. This section provides important information related to the Department of State Visa Bulletin, priority dates, and filing locations for initial or renewal employment authorization applications under the (c)(35) or (c)(36) eligibility categories. According to the USCIS, all applications for employment authorization will be processed based on the Visa Bulletin that is in effect on the date the application is filed. Therefore, applicants are advised to check the current Visa Bulletin on the Department of State website [www.state.gov/travel](http://www.state.gov/travel). Additionally, information about priority dates can be found on the USCIS Visa Availability and Priority Date webpage [www.uscis.gov](http://www.uscis.gov).

Finally, applicants should refer to the USCIS website [www.uscis.gov/i-765](http://www.uscis.gov/i-765) for the most up-to-date information regarding filing locations for their applications.

**1. K-1 Nonimmigrant Fiancé(e) of U.S. Citizen or K-2 Dependent--(a)(6).** To apply for employment authorization as a K-1 nonimmigrant fiancé(e) of a U.S. citizen or K-2 dependent under the (a)(6) eligibility category, you must file Form I-765 along with evidence of your admission, such as copies of your Form I-94, passport, or other travel document, and your K visa. It's important to note that you can only work under this category during your 90 days in K-1 or K-2 status, and you cannot renew this EAD. If you submit subsequent EAD applications for any reason other than replacement of a lost, stolen, or damaged card or a card that contains incorrect data, you must apply on a different basis. If you have a pending application for adjustment of status, you should file under category (c)(9).

**2. K-3 Nonimmigrant Spouse of U.S. Citizen or K-4 Dependent--(a)(9).** To apply for an Employment Authorization Document (EAD) as a K-3 nonimmigrant spouse of a U.S. citizen or K-4 dependent, submit Form I-765 along with proof of your admission (such as copies of your Form I-94, passport, or other travel document) and your K visa.



**3. Family Unity Program--(a)(13).** If you are applying for the initial or extension of family unity benefits, you should submit Form I-817, Application for Family Unity benefits, following the instructions provided on the form. If your Form I-817 is approved, you will be issued an EAD. You do not need to submit Form I-765 unless you are applying for a replacement EAD due to loss, theft, damage, or incorrect information.

**4. LIFE Family Unity--(a)(14).** If you are seeking employment authorization for the first time under section 1504 of the LIFE Act Amendments, you should fill out and submit Form I-817. Once your Form I-817 is approved, you will receive an EAD, and there is no need to file Form I-765 unless you need a replacement card due to it being lost, stolen, damaged, or containing incorrect information.

**5. V-1, V-2, or V-3 Nonimmigrant--(a)(15).** To apply for employment authorization under V status or an extension of V status, you need to file Form I-765 along with evidence of your V status, such as an approval notice, Form I-94, passport, or other travel document. If you have not yet filed an application for V status but are in the United States, you may file Form I-765 concurrently with your V status application. However, USCIS will only adjudicate your Form I-765 after adjudicating your V status application.

**1. Adjustment Applicant under Section 245--(c)(9).** For applicants seeking to adjust their status under Section 245, they should file Form I-765 concurrently with Form I-485 or include a copy of their I-485 receipt notice as evidence of the pending application if filing separately.

**NOTE:** You should file Form I-765 under category (a)(5) as an asylee or (a)(3) as a refugee if you have applied to adjust to lawful permanent resident status on Form I-485. Do not file under eligibility category (c)(9). If your Form I-485 is still pending with USCIS and this is not your first EAD as a refugee or asylee and you did not pay the Form I-485 filing fee for any reason, you will need to pay the filing fee or obtain a fee waiver for Form I-765.

**2. Registry Applicant Based on Continuous Residence Since January 1, 1972--(c)(16).** You can submit Form I-765 along with Form I-485 or provide evidence of your pending Form I-485 such as a copy of the receipt notice if you are filing the forms separately.

**3. Renewal EAD for National Interest Waiver Physicians:** If you are applying for a renewal EAD based on your pending adjustment of status application and an approved National Interest Waiver Physician petition, you need to submit evidence of your advancement towards fulfilling the National Interest Waiver obligation. This can include documentation of employment during the previous year, such as copies of W-2 forms. In case you did not work as a National Interest Waiver Physician during any period of the previous year, you must provide an explanation for the same, along with a statement of your intention to work as a physician in a qualifying location in the future.

**1. Legalization Temporary Resident Pursuant to INA Sections 245A or 210--(a)(2).** To apply for employment authorization under this category, include a copy of your approval notice for Form I-687, which is the application for status as a temporary resident under Section 245A of the INA, or any other evidence that indicates your Form I-687 has been approved. Alternatively, include a copy of your approval notice for Form I-700, which is the application for status as a special agricultural worker, or any other evidence that indicates your Form I-700 has been approved. Along with the appropriate documentation, you should also file Form I-765.

**2. N-8 or N-9 Nonimmigrant--(a)(7).** File Form I-765 with evidence of your lawful N nonimmigrant status (for example, your Form I-94, passport, or other travel document).

**3.Applicant for Cancellation of Removal--(c)(10).** File Form I-765 with evidence one of the following forms is pending with EOIR: EOIR-42A or EOIR-42B.

**4.Applicant for Legalization Pursuant to INA Section 210--(c)(20).** If you have filed an application for status as a Temporary Resident under Section 210 of the INA (Form I-700), you can file Form I-765 for employment authorization. When filing Form I-765, you should include a copy of your receipt notice for Form I-700 or other evidence that your Form I-700 is pending.

**5.Applicant for Legalization Pursuant to INA Section 245A--(c)(22).** File Form I-765 with a copy of your receipt notice for Form I-687, Application for Status as a Temporary Resident Under Section 245A of the INA, or Form I-698, Application to Adjust Status from Temporary to Permanent Resident Under Section 245A of the INA, or other evidence that your Form I-687 or I-698 is pending.

**6.Parole--(c)(11).** To apply for an employment authorization document (EAD) as a parolee, you need to submit Form I-765 along with a copy of your valid and unexpired Form I-94, passport, or any other travel document that shows you were paroled into the United States due to urgent humanitarian reasons or significant public benefit.

**NOTE:** You cannot apply for an initial EAD under the (c)(11) eligibility category 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.

**7. Deferred Action--(c)(14).** To apply for an EAD under the (c)(14) eligibility category, submit Form I-765 along with a document that confirms you have been granted deferred action, and evidence of your need to work due to economic necessity. Your current annual income, expenses, and total asset value will be reviewed to determine if you have an economic necessity to work. To provide this financial information, complete Form I-765WS (Form I-765 Worksheet), and if desired, include an explanation in Part 3 of the worksheet. While supporting evidence is not mandatory, USCIS will consider any documentation you submit. You don't have to provide financial information for other members of your household to demonstrate your own economic necessity.

**8. Consideration of Deferred Action for Childhood Arrivals--(c)(33).** To apply for employment authorization under the Deferred Action for Childhood Arrivals (DACA) program, you must file Form I-765 along with Form I-821D and mark (c)(33) as the eligibility category in Part 2, Item Number 27.

You must also submit Form I-765 Worksheet to demonstrate your economic necessity to work, which involves providing information on your current annual income, expenses, and assets. Part 3 of the worksheet can be used to provide an explanation, and although supporting evidence is not required, USCIS will review any documentation you choose to submit. It is not necessary to provide financial information for other household members.

**9. Final Order of Deportation or Removal, including Deferral of Removal under the Convention Against Torture--(c)(18).** File Form I-765 with a copy of the EOIR IJ's Order of Removal and Form I-220B, Order of Supervision (if any). Additional factors that may be considered include, but are not limited to, the following:

**A.** Existence of a dependent spouse and/or children in the United States who rely on you for support;

**B.** Existence of economic necessity to be employed; and

**C.** Anticipated length of time before you can be removed from the United States

**10. LIFE Legalization Applicant--(c)(24).** To apply for employment authorization under the CSS, LULAC, or Zambrano settlement agreements, include evidence of your status as a class member before October 1, 2000, along with your Form I-765. Additionally, provide a copy of the Form I-797 Notice or any other evidence that demonstrates your Form I-485 is pending

**11. T-1 Nonimmigrant--(a)(16).** If you are applying for T nonimmigrant status and wish to request an Employment Authorization Document (EAD), you do not need to submit Form I-765 separately. However, if you are already in T-1 nonimmigrant status and did not request an EAD initially, you may file Form I-765 to request one. If you were previously granted T-1 nonimmigrant status and require a replacement EAD, submit Form I-765 along with proof of your T-1 status (such as an approval notice).

If you have applied for an extension of your T-1 nonimmigrant status using Form I-539, you have the option to file Form I-765 to request a renewal of your EAD. You should include evidence of your T nonimmigrant status, such as an approval notice, when filing Form I-765. You may submit Form I-765 together with Form I-539 or after receiving approval for your Form I-539. If you choose to file Form I-765 after the approval of your Form I-539, you must include a copy of your I-539 approval notice.

**12. T-2, T-3, T-4, T-5, or T-6 Nonimmigrant--(c)(25).** To request an employment authorization document (EAD) based on your derivative T nonimmigrant status, you should submit Form I-765 and evidence of your derivative T nonimmigrant status. If you were granted derivative T nonimmigrant status while in the US, you need to provide a copy of the approval notice for your T nonimmigrant status. If you were admitted to the US as a T nonimmigrant, you need to submit a copy of your passport with your T nonimmigrant visa. In case you want to request a replacement of an EAD, you should file Form I-765 with evidence of your derivative T nonimmigrant status (for example, an approval notice).

If you or the principal foreign national holding T-1 nonimmigrant status filed Form I-539 to extend your own T-2, T-3, T-4, T-5, or T-6 nonimmigrant status and the principal T-1 nonimmigrants status, you can request an initial or renewal EAD by filing Form I-765 along with evidence of your nonimmigrant status, such as an approval notice or a copy of your passport with your T nonimmigrant visa. You can file Form I-765 together with Form I-539 or after the approval of your Form I-539. If you file Form I-765 after the approval of your Form I-539, include a copy of your Form I-539 approval notice.

**NOTE:.** If you are a derivative family member of a T-1 nonimmigrant and currently outside the United States, you are not eligible to apply for an EAD until you enter the United States lawfully. Therefore, you should not file Form I-765 at this time.

**14. U-1 Nonimmigrant--(a)(19).** If you are currently present in the US and your Form I-918, Petition for U Nonimmigrant Status, is approved, USCIS will issue you an EAD automatically as evidence of employment authorization. Thus, you are not required to file Form I-765. However, if you were residing outside the US when your Form I-918 was approved, you need to file Form I-765 upon entering the US and include a copy of your passport with your U nonimmigrant visa.

If you want to request a replacement EAD for your U nonimmigrant status, file Form I-765 with evidence of your U nonimmigrant status (such as an approval notice).

If you have applied for an extension of your U-1 nonimmigrant status by filing Form I-539, you may submit Form I-765 to request a renewal of your EAD. Make sure to include evidence of your U-1 nonimmigrant status, such as an approval notice. You can file Form I-765 concurrently with Form I-539 or after the approval of Form I-539, in which case you need to submit a copy of the I-539 approval notice.

**NOTE:** It's important to note that U-1 nonimmigrants who are living outside of the United States are not eligible to apply for an EAD until they enter the United States lawfully. Therefore, if you have an approved Form I-918 but are outside of the United States, do not file Form I-765 until you enter the United States.

**NOTE:** In case the statutory cap for U nonimmigrants is reached within a fiscal year, USCIS will use the waiting list process described at 8 CFR 214.14(d)(2). If you are a petitioner for U nonimmigrant status in the United States and you file Form I-765, you may apply for an EAD based on deferred action ((c)(14)). However, an application for employment authorization based on deferred action can only be approved after DHS has issued deferred action in your case, regardless of when Form I-765 is filed.

**15. U-2, U-3, U-4, or U-5--(a)(20).** You have the option to file Form I-765 either concurrently with Form 918, Supplement A, Petition for Qualifying Family Member of U-1 Recipient, or at a later time. If you have been granted derivative U nonimmigrant status by USCIS, you should file Form I-765 along with evidence of your derivative U nonimmigrant status. If you were granted derivative U nonimmigrant status while inside 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 when filing Form I-765.

If you (or the principal U-1 nonimmigrant) have filed Form I-539 to extend your U-2, U-3, U-4, or U-5 nonimmigrant status, you may request an initial or renewal EAD by filing Form I-765, along with evidence of your nonimmigrant status (such as an approval notice or a copy of your passport with your U nonimmigrant visa). You may file Form I-765 concurrently with Form I-539 or after the approval of your Form I-539. In case you file Form I-765 after we approve your Form I-539, submit a copy of your Form I-539 approval notice.

**NOTE** that derivative family members of U-1 nonimmigrants residing outside the United States are not eligible for an EAD until they legally enter the United States. Therefore, if you are a derivative family member residing outside the United States, do not file Form I-765.

**NOTE:** Moreover, if the statutory cap is reached within a fiscal year and USCIS uses the waiting list process as described in 8 CFR 214.14(d)(2), derivative family members of U-1 petitioners for U nonimmigrant status in the United States can file Form I-765 to request an EAD based on deferred action ((c)(14)). However, an application for employment authorization based on deferred action can only be approved after DHS has issued deferred action, regardless of when Form I-765 is filed.

**16. U Nonimmigrant Adjustment of Status--(c)(9).** To request an EAD, you may file Form I-765 along with Form I-485 if you have filed to adjust your status from a U-1, U-2, U-3, U-4 or U-5 Nonimmigrant to a lawful permanent resident. You must include evidence of your U nonimmigrant status such as an approval notice or a copy of your passport with your U nonimmigrant visa. If you file Form I-765 after filing your Form I-485, you must submit a copy of your Form I-485 receipt notice. Your U nonimmigrant status will be extended while your Form I-485 is pending.

**17. VAWA Self-Petitioners--(c)(31).** If you are the principal beneficiary or derivative child of an approved VAWA self-petition, you can obtain work authorization. If you are a principal beneficiary of a Form I-360 VAWA self-petition and request an initial EAD, you don't need to file Form I-765. However, principal beneficiaries seeking a renewal or replacement EAD and derivative children seeking an EAD must file Form I-765. Evidence of the principal beneficiary's approved Form I-360 VAWA self-petition (for example, a copy of the VAWA self-petition approval notice) should be filed with Form I-765.

**18. A-3 or G-5 Nonimmigrant--(c)(14).** If you have taken legal action against your employer for violating your employment contract or conditions of employment and have a pending civil action, you can apply for deferred action and work authorization by filing Form I-765. To do so, include 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. You can provide a copy of your passport with your A-3 or G-5 nonimmigrant visa as evidence. If you want to renew your work authorization after it has been granted initially, submit Form I-765 along with evidence that the civil case is still pending, such as a recent court docket update.

**19. Applicant for Commonwealth of the Northern Mariana Islands (CNMI) Long-Term Resident Status--(c) (37).** To apply for CNMI Long-Term Resident Status and work authorization, you must file Form I-765 along with Form I-955. Note that you must include all applicable fees and submit both forms together; otherwise, USCIS will reject the entire submission. Unfortunately, fee waivers are not available for this application. If your Form I-955 is approved, you will receive an employment authorization document that proves your CNMI Long-Term Resident Status and shows that you are authorized for employment in the CNMI incident to your status.

To access USCIS forms, you can download the latest version of Adobe Reader from <http://get.adobe.com/reader/> for free. Alternatively, if you do not have internet access, you can request that USCIS mail a form to you by calling the USCIS Contact Center at 1-800-375-5283 (TTY 1-800-767-1833), which provides services in both English and Spanish.

**Signature.** It's important to note that all signatures on the application must be original and handwritten. USCIS will not accept a stamped or typewritten name in place of a signature. If the applicant is under 14 years old or is mentally incompetent, a parent or legal guardian may sign on their behalf.

**Validity of Signatures:** For filing purposes, USCIS will accept a photocopied, faxed, or scanned copy of the original, handwritten signature, provided that the photocopy, fax, or scan is of the original document containing the handwritten, ink signature.

**Filing Fee:** It is required to include the appropriate filing fee with each application (refer to the "What Is the Filing Fee" section of these instructions).

**Biometric Services Fee:** If you submit this application to USCIS, there is no need to include a biometric services fee when you submit your application. If USCIS later determines that you must submit biometrics, you will receive an appointment notice with instructions on how to submit the additional biometric services fee. If you submit this application to an agency other than USCIS, please check with that agency to determine if and when you must submit a biometric services fee.



**Evidence.** When submitting your application, it is necessary to include all the required evidence and supporting documents listed in the Required Documentation section of these Instructions. In case you cannot obtain a required document, you must provide secondary evidence and demonstrate its unavailability. If secondary evidence is not available either, you must demonstrate both the unavailability of the required document and the relevant secondary evidence. Additionally, you should submit two or more sworn affidavits by individuals not named on this application who have direct knowledge of the event and circumstances.

**Biometric Services Appointment.** At any time during the processing of your application or petition, USCIS may require you to attend an interview or provide biometrics such as fingerprints, a photograph, and/or a signature to verify your identity, gather additional information, and perform background and security checks, including a review of criminal history records maintained by the Federal Bureau of Investigation (FBI). Upon receiving and reviewing your application, USCIS will notify you in writing if you are required to attend a biometric services appointment. This notice will contain the date, time, and location of the appointment if you need to attend one in person at a local or designated USCIS Application Support Center (ASC). If you are currently residing outside the United States, the notice may instruct you to contact a U.S. Embassy, U.S. Consulate, or USCIS office abroad to schedule an appointment.

When you attend your biometric services appointment, you will be asked to sign an oath reaffirming that you provided or authorized all information in your application, reviewed and understood all the information in your application, and confirmed that all the information was complete, true, and correct at the time of filing. Failure to attend your biometric services appointment may result in the denial of your application by USCIS.

**Copies.** To ensure that your application or petition is complete, you should provide clear and readable photocopies of the required documents unless instructed to submit original documents. USCIS reserves the right to request original documents at any time during the application or petition process. If USCIS requests an original document, it will be returned to you once it is no longer needed.

**NOTE:** If you provide original documents that are not required or requested by USCIS, they may be destroyed immediately after they are received.

**Translations.** When you submit a document in a foreign language, you must also provide a complete English translation. The translator must sign a certification verifying the accuracy and completeness of the translation and attesting to their competence to translate from the foreign language into English. The certification must include the translators signature, printed name, signature date, and contact information, as recommended by DHS.

## How To Fill Out Form I-765

**1. Type or print legibly in black ink.**

**2.** If you require additional space to complete any section of this application, you may use the space provided in Part 6. Additional Information. Alternatively, you may attach a separate sheet of paper. On each sheet, type or print your name and Alien Registration Number (if applicable) at the top, indicate the Page Number, Part Number, and Item Number to which your response corresponds, and sign and date the sheet.

**3** All questions in the application should be answered completely and accurately. If a question is not applicable to the applicant, such as when asked for the name of a current spouse but the applicant has never been married, the applicant should write "N/A" unless instructed otherwise. If the question requires a numerical response and the answer is zero, the applicant should write "None" unless instructed otherwise.

## **Part 1. Reason for Applying**

You must select one Item Number that best describes your reason for applying:

Item Number 1.a. Initial permission to accept employment.

Item Number 1.b. Replacement of a lost, stolen, or damaged EAD, or correction of your EAD not due to USCIS error.

Item Number 1.c. Renewal of your permission to accept employment. If you select Item Number 1.c., attach a copy of your previous EAD.

## **Part 2. Information About You**

Item Numbers 1.a. - 1.c. pertains to your Full Legal Name. Please provide your complete legal name as indicated in your birth certificate or legal document for a name change, in the spaces provided.

For Item Numbers 2.a. - 4.c., please provide all other names that you have previously used, such as your maiden name, nicknames, or aliases. If additional space is required for this section, please utilize the area provided in Part 6. Additional Information.

Item Numbers 5.a. - 5.f. Your U.S. Mailing Address. To receive your EAD, you must provide a valid mailing address within the United States. You may list a valid U.S. residence, APO, commercial address or a U.S. Post Office address (PO Box), if that's how you receive your mail. If your mail is delivered to someone other than you, include an "In Care Of Name" as part of your mailing address. If your U.S. mailing address is in a U.S. territory and contains an urbanization name, list the urbanization name in the "In Care Of Name" space provided. Do not use your attorney's or other legal representative's address. If you need additional space, use Part 6. Additional Information.

Note: If you feel unsafe receiving correspondence related to your pending or approved Form I-360 VAWA self-petition, Form I-914, Application for T Nonimmigrant Status, or Form I-918, Petition for U Nonimmigrant Status at your residential address, you can provide a safe mailing address instead. This can be a post office box (PO Box), the address of a friend, your attorney, a community-based organization assisting you, or any other address where you can receive mail safely and promptly. If you don't provide an alternate or safe mailing address, USCIS may use the address of your attorney or preparer, if applicable. If your safe mailing address is different from your current physical address in the US, you should provide your physical address in Item Numbers 7.a. - 7.e.

Item Number 8. Alien Registration Number (A-Number) (if any). You are required to provide your Alien Registration Number (A-Number), if you have been issued one, in Item Number 8. An A-Number is a unique identifier typically issued to individuals who apply for or are granted certain immigration benefits. It may be issued by USCIS, ICE, U.S. Customs and Border Protection (CBP), EOIR, or the DOS. If you

have been issued an A-Number, you should type or print it in the spaces provided. In case you are renewing your EAD, this number might be listed as the USCIS Number on the front of the card. If you have more than one A-Number, use Part 6. Additional Information to provide the information. If you do not have an A-Number or cannot recall it, leave this space blank.

Item Number 9. USCIS Online Account Number (if any). If you have previously filed an application or petition using the USCIS online filing system, you should provide your USCIS Online Account Number that was assigned to you by the system. To find your USCIS Online Account Number, you can log in to your account and navigate to your profile page. If you have filed certain applications or petitions using a paper form through a USCIS Lockbox facility, you may have received a USCIS Online Account Access Notice containing your USCIS Online Account Number at the top of the notice. Please note that the USCIS Online Account Number is not the same as an A-Number. If you have been issued a USCIS Online Account Number, provide it in the designated space on the form.

Item Number 10: Gender. Indicate your gender by selecting the appropriate box - male or female.

Item Number 11: Marital Status. Choose the box that describes your current marital status at the time of filing Form I-765.

Item Number 12: Previous Application for Employment Authorization from USCIS. If you have previously applied for employment authorization with USCIS, indicate "Yes" for Item Number 12. If available, provide copies of your previous Employment Authorization Documents (EADs).

Item Numbers 13.a. - 17.b. pertain to your Social Security Number (SSN). In Item Number 13.a., you are asked if you have ever been officially issued a Social Security card by the Social Security Administration (SSA). If you have been issued a Social Security card in the past, you must enter the SSN from your card in Item Number 13.b.

If your application for employment authorization is approved, the SSA may assign you a new SSN and issue you a new Social Security card or replace your old one. If you want the SSA to assign you a new SSN and issue you a new Social Security card or replace your old one, select "Yes" for both Item Number 14 and Item Number 15. You must also provide your father's and mother's family and given names at birth in Item Numbers 16.a. - 17.b. The SSA will use this information to issue you a new Social Security card.

It is not mandatory to request a Social Security Number (SSN) using this application. If you choose to do so, you should complete Item Numbers 14.-17.b. However, it is important to note that you must have an SSN properly assigned in your name to work in the United States.

It is not mandatory to request a Social Security Number (SSN) using this application. If you choose to do so, you should complete Item Numbers 14.-17.b. However, it is important to note that you must have an SSN properly assigned in your name to work in the United States.

It is not mandatory to request a Social Security Number (SSN) using this application. If you choose to do so, you should complete Item Numbers 14.-17.b. However, it is important to note that you must have an SSN properly assigned in your name to work in the United States.

NOTE: Furthermore, if your employer uses the E-Verify system to confirm your eligibility to work legally in

the United States, the information you provide on Form I-9, Employment Eligibility Verification, will be cross-checked with data in SSA and DHS databases. It is mandatory for employees to have an SSN in order for E-Verify to confirm their eligibility to work legally in the United States.

For Item Numbers 18.a. - 18.b., please provide the name of the country or countries where you currently hold citizenship or nationality.

1) If you are stateless, please provide the name of the country where you were last a citizen or national.

2) If you hold citizenship or nationality in more than one country, please provide the name of the foreign country that issued your most recent passport.

Item Numbers 19.a. - 19.c. Place of Birth. You must provide the name of the city, town, or village; state or province; and country where you were born. When entering the name of the country, type or print the name of the country as it was known at the time of your birth, even if the country has changed its name or no longer exists.

Item Number 20: In the space provided, enter your date of birth in mm/dd/yyyy format. For instance, if you were born on December 31, 2000, type or print 12/31/2000.

Item Numbers 21.a. - 21.e.: If you were issued a Form I-94 Arrival-Departure Record by CBP or USCIS, provide the Form I-94 number. The Form I-94 number may also be referred to as the Departure Number on certain versions of Form I-94.

**NOTE:** CBP might have given you an electronic Form I-94 instead of a paper one if you entered the US through an airport or seaport after April 30, 2013. You can get a paper version of the electronic Form I-94 from the CBP website for free. Even if you were given a paper Form I-94 at a land border, airport, or seaport, you may be able to get a replacement Form I-94 from the CBP website at no cost. However, if you are unable to obtain your Form I-94 from the CBP website, you may need to file Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Record, with USCIS, but they do charge a fee for this service.

**Passport and Travel Document Numbers.** On the application, it is necessary to provide the passport or travel document details in the appropriate section, even if it has expired, if you used it for traveling to the United States.

Item Number 22. Date of Your Last Arrival Into the United States, On or About. Provide the date on which you last entered the United States in mm/dd/yyyy format.

Item Number 23. Place of Your Last Arrival Into the United States. Provide the location where you last entered the United States.

For Item Number 24, indicate the code that matches your immigration status when you last entered the US. For instance, if you entered as a B-2 visitor, write "B-2 visitor" in the space provided.

For Item Number 25, specify your present immigration status. If you are a student under the F-1 category, for instance, write "F-1 student" in the given area

If you have a SEVIS number, enter it in the space provided for Item Number 26.

For Item Number 27, locate your eligibility category on the list provided in the "Who May File Form I-765" section of the instructions, and enter it in the designated space.

If you have selected eligibility category (c)(3)(C) in Item Number 27, provide your degree level and major (e.g., Bachelors degree in English), your employers name as it appears in E-Verify, and either your employers E-Verify Company Identification Number or a valid E-Verify Client Company Identification Number in the spaces designated for Item Numbers 28 through 28.c.

If you indicated eligibility category (c)(26) in Item Number 27, input the receipt number from your spouses most recent Form I-797 Notice for Form I-129, Petition for a Nonimmigrant Worker, in the space provided for Item Number 29.

For Item Number 30, if you selected eligibility category (c)(8) in Item Number 27, you need to answer whether you have ever been arrested and/or convicted of any crime. If your response is "Yes," refer to the Special Filing Instructions for Those with Pending Asylum Applications (c)(8) in the Required Documentation section of the instructions to learn how to submit court dispositions.

Item Number 31.a. - 31.b. (c)(35) and (c)(36) Eligibility Category. If you entered the eligibility category (c)(35) or (c)(36) in Item Number 27., please provide the receipt number of your Form I-797 Notice for Form I-140 or the receipt number of your spouse's or parent's Form I-797 Notice for Form I-140. Provide an answer to the question "Have you EVER been arrested for and/or convicted of any crime?"

Please note that if you answered "Yes" to Item Number 31.b., you need to refer to the Employment-Based Nonimmigrant Categories, Items 8. - 9. in the "Who May File Form I-765" section of the instructions for guidance on how to provide court dispositions

Item Numbers 1.a. - 7.b. You need to select the appropriate box to indicate whether you read and completed the application on your own or with the assistance of an interpreter. If you had someone help you, choose the box that indicates you used a preparer.

Additionally, it is essential to sign and date your application and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). It is mandatory for every application to have the signature of the applicant, or parent or legal guardian (if applicable). Please note that using a stamped or typewritten name instead of a signature is not acceptable.

Item Numbers 1.a. - 7.b. If you had someone assist you in understanding the instructions and questions on this application by serving as an interpreter in a language you are fluent in, that person must complete this section. The interpreters full name, name and address of their business or organization (if any), daytime telephone number, mobile telephone number (if any), and email address (if any) should be provided. The interpreter must also sign and date the application.

Item Numbers 1.a. - 8.b. If someone other than you completed your application, this section must contain their signature. If the same individual acted as your interpreter and preparer, they should complete both Part 4 and Part 5. If the person who completed the application is associated with a business or organization, they should provide the business or organization name and address information.



Please note that anyone who helped you prepare your application **MUST** sign and date it. Using a stamped or typewritten name in place of a signature is not acceptable. If the person who helped you prepare your application is an attorney or accredited representative, they may also need to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with your application.

Item Numbers 1.a. - 7.d. If you require additional space to provide any further information in this application, you can utilize the space provided in Part 6. Additional Information. In case you require more space than what is available in Part 6, you can either make copies of Part 6 to complete and submit with your application or attach a separate sheet of paper. Ensure that you type or print your name and A-Number (if any) at the top of each sheet. Indicate the Page Number, Part Number, and Item Number to which your response refers, and sign and date each sheet.

It is advisable to print or save a copy of your completed application for future reference and your personal records.

Please note that it is mandatory to submit all evidence requested in the instructions along with your application. Failure to submit the requested evidence or supporting documents may result in the rejection or denial of your application by USCIS, in accordance with 8 CFR 103.2(b)(1) and these instructions.

You must file your application with the required documents listed below, as well as the specific evidence required for each category mentioned in the "Who May File Form I-765" section of the instructions, and the appropriate filing fee (if applicable).

If your category requires you to demonstrate economic necessity, please provide a list of your assets, income, and expenses. You can 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.

When submitting your application, please organize the documents in the following order:

- 1      The appropriate filing fee, if applicable. See the What Is the Filing Fee section of these Instructions for details.
- 2      Your properly signed application.
- 3      You must submit the following documents.

**A.** A copy of at least one of the following documents: Form I-94, Arrival-Departure Record (front and back), a printout of your electronic Form I-94 from [www.cbp.gov/i94](http://www.cbp.gov/i94), passport, or other travel document. If you are filing Form I-765 under the (c)(9) category, copies of any of the above are not required.

**B.** A copy of your last EAD (front and back). If you were not previously issued an EAD, you must submit a copy of a government-issued identity document (such as a passport) showing your picture, name, and date of birth; a birth certificate with photo ID; a visa issued by a foreign consulate; or a national ID document with photo and/or fingerprint. The photocopy of the identity document must clearly show your facial features and contain your biographical information.

Please note that if you are filing under the (c)(33) category, you are not required to submit additional documentation beyond what you submit with Form I-821D under 2. What documents do you need to provide to prove identity in the Evidence for Initial Requests Only section of the Form I-821D Instructions.

As a part of your application, you need to submit two identical, recent, and color passport-style photographs of yourself. These photos must have a white to off-white background, be printed on thin paper with a glossy finish, and be unmounted and unretouched.

The passport-style photographs must measure 2 by 2 inches, and show a full face, frontal view, with a white to off-white background. The head height should be between 1 to 1 3/8 inches from the top of your hair to the bottom of your chin, while the eye height should be between 1 1/8 to 1 3/8 inches from the top of your eyes to the bottom of the photo. You must be bare-headed unless you are wearing headwear that is required by a religious denomination of which you are a member.

Please ensure that you lightly print your name and A-Number (if any) on the back of the photo using a pencil or felt pen.

### **Special Filing Instructions for Those With Pending Asylum Applications-- (c)(8)**

- 1 If you miss your scheduled interview or fingerprint appointment;
- 2 If you don't personally receive and acknowledge your asylum decision (if its required);
- 3 If you ask to reschedule your interview for a later time;
- 4 If you ask for your case to be transferred to a different asylum office or interview location, especially if its because of a change in your address;
- 5 If you are asked to provide additional evidence after your interview; and
- 6 If you fail to provide a qualified interpreter for your interview.

In addition, failing to attend your interview with a USCIS asylum office or EOIR IJ hearing may render you ineligible for an EAD.

If you have received a Recommended Approval notice from the USCIS asylum office, indicating that your asylum has been recommended for approval, you don't have to wait for 150 days and can apply for an EAD immediately upon receiving the notice. Make sure to attach a copy of the notice with your Form I-765 as evidence of the recommended approval.

If you are a category (c)(8) applicant who has waited for the required 150-day period to file Form I-765 (excluding any delays caused or requested by you), submit your Form I-765 with appropriate evidence, if applicable.

**1.** If you submitted your asylum application to USCIS, include a copy of any of the following documents: the USCIS Acknowledgement of Receipt that you received, your USCIS Asylum Interview Notice (whether its scheduling, rescheduling, or canceling your interview), your Form I-797C Notice (ASC appointment notice) for the biometrics appointment for your asylum application, or any other relevant evidence showing that you filed your asylum application with USCIS.

**2.** If you filed your asylum application with the Executive Office for Immigration Review (EOIR), provide proof of receipt of your application or any other available evidence.

**3.** If an EOIR IJ has denied your asylum and withholding of removal relief, but you waited for the required 180-day period before the EOIR IJs decision in your case, provide evidence that:

**A.** You timely appealed the EOIR IJs decision on your asylum application to the BIA, and the appeal is still pending; and

**B.** If applicable, you timely appealed the BIA decision on your asylum application to a U.S. Court of Appeals, and the decision is still pending.

**5. Arrest and Conviction Evidence.** When filing initial or renewal applications, you must provide evidence of any arrests or convictions. If you have been convicted of an aggravated felony, you cannot be granted employment authorization under this eligibility category. USCIS will determine whether your convictions meet the definition of aggravated felony. However, you must still provide information and supporting documents for all crimes of which you were convicted, so USCIS can make an informed decision. Submit certified copies of all arrest reports, court dispositions, sentencing documents, and any other pertinent documents.

**NOTE :** USCIS may choose to deny your application at its discretion if you have been arrested or convicted of any crime.

Asylum and Withholding of Deportation Applicants (with a pending Form I-589) who filed before January 4, 1995:

You can submit Form I-765 at any time, but we will only approve your employment authorization if we determine that your asylum application is not frivolous. When submitting Form I-765, include a copy of the previously filed Form I-589 with a date stamp, if applicable.

- 1 Your date-stamped previously filed Form I-589;
- 2 If you submitted Form I-589 to the former Immigration and Naturalization Service (INS), include an INS Acknowledgement of Receipt, if available.
- 3 Include a USCIS Asylum Interview Notice (whether its scheduling, rescheduling, or canceling your interview).
- 4 Attach Form I-797 Notice, Fingerprint Notification (for a fingerprint appointment for your Form I-589).

- 5 If you filed your Form I-589 in exclusion or deportation proceedings, provide evidence that you filed it with EOIR.
- 6 If you are currently in exclusion or deportation proceedings, submit a copy of Form I-221, Order to Show Cause and Notice of Hearing, or Form I-122, Notice to Applicant for Admission Detained for Hearing Before Immigration Judge.
- 7 Include evidence that your Form I-589 is still under administrative or judicial review

If you are a Salvadoran or Guatemalan national who qualifies for benefits under the ABC Settlement Agreement (American Baptist Churches v. Thornburgh, 760 F. Supp. 976 (N.D. Cal. 1991)), you may apply for an EAD under the (c)(8) category. Follow the instructions below when filing your Form I-765:

To be eligible for an EAD, you must have filed your asylum application (Form I-589) with either the INS or USCIS, or with an EOIR IJ. Therefore, provide evidence that you previously filed a complete asylum application when submitting Form I-765. Although not mandatory, including this evidence can help expedite your request.

When applying for an initial EAD under the ABC Settlement Agreement category, you do not need to pay a filing fee. However, if you are requesting a renewal or replacement EAD, you must pay the fee. When completing your application, please follow these instructions:

- 1 Write or print "ABC" in the top right corner of your EAD application. This identifies you as an ABC class member applying for an EAD under the ABC settlement agreement.
- 2 In Part 2, Item Number 27, of the application, type or print "(c)(8)."
- 3 Check the box in Part 3, Item Number 6, of the application.

Remember, you are entitled to an EAD regardless of the merits of your asylum claim.

If you pay the filing fee, have a complete pending asylum application on file, and correctly mark your application as described above, your Form I-765 will be processed within 60 days. Please note that you must pay the filing fee for an initial EAD request. However, if you are unable to pay the filing fee, you may apply for a fee waiver under 8 CFR 103.7(c).

Spouses of certain principal E-2 CNMI investors (E-2C) can apply for employment in the CNMI and may be issued an EAD under this category. However, the EAD will only authorize employment within the CNMI.

To determine if you are eligible for an EAD under this category, you need to determine the type of investor certificate that the CNMI issued to your spouse, who is the principal E-2 CNMI investor. If your spouse was issued either a Long-Term Business Certificate or a Foreign Investment Certificate, you may be eligible to receive an EAD under this category. However, if your spouse was issued a Foreign Retiree Investment Certification, you are not eligible to receive an EAD under this category.

1. Documentation (such as a marriage certificate) establishing a legal marriage;
2. Documentation (such as divorce or death certificates) establishing the termination of any prior marriages of you and your spouse (if applicable);
3. Documentation establishing that you reside in the CNMI;
4. Documentation establishing that your spouse has obtained E-2C status;
5. Documentation establishing that you have obtained E-2C status as a dependent; and
6. A copy of your spouse's CNMI issued Long-Term Business Certificate or Foreign Investment Certificate.

## What Is the Filing Fee?

Please note that the filing fee for Form I-765 is \$410. It's important to keep in mind that the filing fee is non-refundable, regardless of any action USCIS takes on your application. Do not mail cash. Ensure that you submit all fees in the exact amounts required.

**Special Instructions for TPS Applicants.** If you are applying for an initial EAD as a TPS applicant, you must pay the filing fee for Form I-765, unless you are either under 14 years of age or over 65 years of age. However, if you are a TPS beneficiary who is requesting an EAD while re-registering for TPS, you must pay the filing fee for Form I-765, regardless of your age.

**Special Instructions for Deferred Action for Childhood Arrivals--(c)(33).** The filing fee for this application when filed under the (c)(33) category cannot be waived under 8 CFR 106.3.

**Special Instructions for Beneficiaries of an Approved Employment-Based Immigrant Petition--(c)(35) and Spouses or Children of a Principal Beneficiary of an Approved Immigrant Petition--(c)(36).** For all applicants under the categories mentioned, biometrics submission is required. Additionally, applicants between the ages of 14 to 79 must pay an additional biometric services fee of \$85, unless waived.

**Special Instructions for Applicants for Commonwealth of the Northern Mariana Islands (CNMI) Long-Term Resident Status--(c)(37).** For applicants seeking Commonwealth of the Northern Mariana Islands (CNMI) Long-Term Resident Status under category (c)(37), all applicants must pay the biometric services fee of \$85. Please note that the biometric services fee and the filing fee for the I-765 application cannot be waived.

## **Initial EAD. If this is your initial application and you are applying under one of the following categories, a filing fee is not required for:**

8. (a)(12) or (c)(19) Temporary Protected Status if you are filing an initial TPS application and you are under 14 years of age or over 65 years of age. For applicants who are seeking TPS re-registration and want an EAD, it's important to note that they must pay the filing fee, unless granted a fee waiver.
12. (c)(9) or (c)(16) Any current Adjustment of Status or Registry applicant who filed Form I-485 on or after July 30, 2007, and paid the appropriate Form I-485 filing fee. In case you submit Form I-765 separately from Form I-485, you need to include a copy of your Form I-797C Notice for Form I-485 as



evidence that you filed Form I-485 on or after July 30, 2007, and that you have paid the required filing fee. If you didn't pay the Form I-485 filing fee due to your fee being waived or you are exempt from paying it, you must either pay the Form I-765 filing fee or request a fee waiver.

**Renewal EAD.** If this is a renewal application and you are applying under one of the following categories, a filing fee is not required for:

**4. (c)(9) or (c)(16)** If you are a current applicant for Adjustment of Status or Registry who filed for Adjustment of Status on or after July 30, 2007 and have paid the required Form I-485 filing fee, you need to provide a copy of your Form I-797C Notice for Form I-485 as proof of filing Form I-485 and payment of the appropriate filing fee in case you file Form I-765 separately from your Form I-485. However, if your filing fee for Form I-485 was waived or you are exempt from paying it, you must either pay the filing fee for Form I-765 or request for a waiver of the filing fee.

In case you are requesting a replacement EAD because your previously issued card was lost, stolen, or damaged but has not yet expired, you need to pay the filing fee unless you have filed for adjustment of status on or after July 30, 2007, and paid the Form I-485 filing fee. If you didn't pay the Form I-485 filing fee because it was waived or you are exempt from paying it, you must either pay the Form I-765 filing fee or request a fee waiver. For further details, please refer to Form I-912 available on [www.uscis.gov/i-912](http://www.uscis.gov/i-912).

- 1 If the mistake in the card is not due to our fault, you will need to submit a new Form I-765 along with the required filing fee, unless you have a pending Form I-485 and have already paid the Form I-485 filing fee. If your Form I-485 filing fee was waived or you are exempt from paying it, you will need to pay the Form I-765 filing fee or request a fee waiver. Additionally, you must include the EAD card with the error when you submit the new Form I-765.
- 2 If the error on the card is due to our fault, you will not need to file a new Form I-765 or pay a filing fee. Instead, you must submit a letter that explains the error along with the EAD card containing the mistake to the service center or National Benefits Center that approved your last Form I-765.

To pay the filing fee for Form I-765, please adhere to the following guidelines:

- 1 The payment must be made with a check or money order drawn from a bank or other financial institution based in the United States and must be payable in U.S. dollars.
- 2 The check or money order should be made payable to the "U.S. Department of Homeland Security."

**NOTE:** Please avoid using the acronyms "USDHS" or "DHS" and spell out the department's name in full.

**NOTE:** If you paid the appropriate Form I-485 filing fee and filed Form I-485 on or after July 30, 2007, you do not need to pay a filing fee when requesting employment authorization on Form I-765. You may either file Form I-765 together with Form I-485, or file Form I-765 separately at a later time. However, if you file Form I-765 separately, you must provide a copy of your Form I-797C Notice as evidence that you filed Form I-485 and paid the filing fee on or after July 30, 2007.

Please note that if you choose to pay the Form I-765 filing fee by check, USCIS will convert it into an electronic funds transfer (EFT). This process involves copying the information from your check and using it to electronically debit your account for the amount of the check. Normally, the debit from your account will take around 24 hours, and your bank will show it on your regular account statement.

After you send a check to USCIS, the agency will not return the original check to you. Instead, USCIS will destroy the original check but keep a copy of it. If USCIS is unable to process your electronic funds transfer (EFT) for technical reasons, USCIS will use the copy of your check to process the payment. If your check is not payable, USCIS will re-submit the payment to your financial institution once. If the check is returned as unpayable for a second time, USCIS will reject your application and charge you a fee for a returned check.

If you choose to file your form at a USCIS Lockbox facility, you have the option to pay your filing fee and biometric services fee (if applicable) by credit card. You can find additional information about credit card transactions and the required form, Form G-1450, Authorization for Credit Card Transactions, at the USCIS website: [www.uscis.gov/G-1450](http://www.uscis.gov/G-1450).

## How to verify if the fees are Correct

To confirm the accuracy of Form I-765s filing fee, you can take the following steps. First, check the edition date located at the lower left corner of this page. Although the filing fee is current as of the edition date, USCIS fees are subject to change periodically. Therefore, you can also verify the fee by visiting the USCIS website at [www.uscis.gov](http://www.uscis.gov), selecting "FORMS," and checking the appropriate fee. Alternatively, you can contact the USCIS Contact Center at [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter) to connect with a live representative who can provide answers to your questions. If you don't have internet access, you can call the USCIS Contact Center at 1-800-375-5283 (TTY 1-800-767-1833), and you'll be provided with information in English and Spanish.

If you are unable to pay the filing fee for Form I-765, you may be eligible for a fee waiver under 8 CFR 103.7(c), except for those filing under eligibility category (c) (33) as a DACA requestor or recipient. To request a fee waiver, you can complete Form I-912, Request for Fee Waiver, or submit a written request with any necessary evidence to demonstrate your inability to pay the filing fee. Additional guidance on fee waivers can be found at [www.uscis.gov/feewaiver](http://www.uscis.gov/feewaiver).

To find the most current information on where to file your Form I-765 application, please refer to the USCIS website at [www.uscis.gov/I-765](http://www.uscis.gov/I-765) or contact the USCIS Contact Center at [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter). You can also call the USCIS Contact Center at 1-800-375-5283 (TTY 1-800-767-1833) if you do not have internet access. The USCIS Contact Center can assist you in English or Spanish.

If you are an initial TPS applicant or a TPS beneficiary requesting an EAD, you should review the Form I-821 Instructions and the latest Federal Register notice for your country's TPS designation, re-designation, or extension to determine the appropriate filing location. You can find information on countries designated for TPS on the USCIS website at [www.uscis.gov/tps](http://www.uscis.gov/tps).

If you want to request Premium Processing Services, you can visit the USCIS website at [www.uscis.gov/forms/how-do-i-use-premium-processing-service](http://www.uscis.gov/forms/how-do-i-use-premium-processing-service) to check if your requested classification or category is eligible. Additionally, you must file Form I-907, Request for Premium Processing Service, along with the filing fee.

All non-U.S. citizen applicants must notify USCIS of their new address within 10 days of moving from their previous residence. If you need help with filing a change of address, you can visit the USCIS website at [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange) or contact the USCIS Contact Center at [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter). For assistance, you can call the USCIS Contact Center at 1-800-375-5283 (TTY 1-800-767-1833). The USCIS Contact Center provides information in both English and Spanish.

**NOTE:** You should not submit a change of address request to the USCIS Lockbox facilities since they do not process such requests.

To file this application, you must provide a valid address in the United States.

During the initial processing stage, USCIS will review your application for completeness. Failure to complete the application in full may result in rejection or denial of your application.

During the initial processing stage, USCIS will review your application for completeness. Failure to complete the application in full may result in rejection or denial of your application.

If additional information or evidence is needed to support your application, USCIS may request it from you. In some cases, USCIS may also require the submission of original documents. If an original document is requested, it will be returned to you once it is no longer needed by USCIS.

**Decision.** The decision regarding your eligibility for the immigration benefit you are seeking is made based on your Form I-765. USCIS will communicate the decision to you in writing.

**Approval.** If your application is approved, we will either mail your EAD to you or we may require you to visit your local USCIS office to pick it up.

**Denial.** If your application is denied, you will receive a written notice explaining the reasons for the denial.

**Denial.** If your application is denied, you will receive a written notice explaining the reasons for the denial.

To ensure that you are using the most recent version of this application, you can visit the USCIS website at [www.uscis.gov](http://www.uscis.gov), where you can find the latest USCIS forms and information related to immigration. If you do not have internet access, you can request USCIS forms by calling the USCIS Contact Center at 1-800-375-5283. The USCIS Contact Center provides information in both English and Spanish. For the deaf or hard of hearing, you can call TTY at 1-800-767-1833.

To avoid waiting in line for assistance at your local USCIS office, you can schedule an appointment online at [www.uscis.gov](http://www.uscis.gov). Simply select "Make an Appointment" and follow the prompts to set up your appointment. Once you have finished scheduling an appointment, the system will generate an appointment notice for you.

Submitting false information or documents with your Form I-765 is a serious violation of the law. If USCIS determines that you knowingly and intentionally concealed or misrepresented a material fact or submitted a false document with your application, your Form I-765 will be denied, and you may also be denied any other immigration benefit. Moreover, you may face severe penalties under the law, including criminal prosecution.

The Social Security Act's Sections 205(c) and 702 give the Social Security Administration (SSA) authority to collect information to assign Social Security Numbers (SSNs) and issue Social Security cards. While providing information on this application is voluntary, not doing so may prevent SSA from issuing you an SSN and Social Security card. SSA will maintain the information used to assign you an SSN and issue you a Social Security card in its system of records [Master Files of Social Security Number (SSN) Holders and SSN Applications, 60-0058]. A comprehensive list of authorized routine uses for the information used to assign an SSN and issue a Social Security card is available in System of Records Notice 60-0058, which can be found at [www.ssa.gov](http://www.ssa.gov).

**AUTHORITIES:** The information requested on this application, and the associated evidence, is collected under the Immigration and Nationality Act, 8 U.S.C. section 1324a, and 8 CFR 274a.13.

**PURPOSE:** The purpose of providing this information is to determine eligibility for non-citizen applicants who are temporarily in the United States and seeking an Employment Authorization Document. The information provided will be used by DHS to either grant or deny the benefit requested.

**DISCLOSURE:** The information provided on this application is voluntary. However, it is important to note that failure to provide the requested information, including your Social Security number (if applicable) and any requested evidence, may result in delays in the processing of your application or a denial of your application.

**ROUTINE USES:** DHS is permitted to disclose the information provided on this application and any additional requested evidence to other authorized organizations, including federal, state, local, and foreign government agencies, in accordance with relevant confidentiality provisions. DHS adheres to approved routine uses, as outlined in the published system of records notices, such as DHS/USCIS-001 - Alien File, Index, and National File Tracking System, DHS/USCIS-007 - Benefit Information System, DHS/USCIS-010 - Asylum Information and Pre-Screening, and DHS/USCIS-017 - Refugee Case Processing and Security Screening Information System, as well as published privacy impact assessments, including DHS/USCIS/PIA-016(a) - Computer Linked Application Information Management System and Associated Systems, DHS/USCIS/PIA-027 - Asylum Division, DHS/USCIS/PIA-056 - USCIS Electronic Immigration System, and DHS/USCIS/PIA-068 - Refugee Case Processing and Security Vetting. These can be accessed at [www.dhs.gov/privacy](http://www.dhs.gov/privacy). DHS may also disclose this information for law enforcement purposes or to protect national security interests, as appropriate.

An agency is not allowed to ask for or sponsor a collection of information from the public without displaying a valid Office of Management and Budget (OMB) control number. Responding to this collection of information is voluntary, but failure to provide the requested information may result in a delay or denial of your application. It is estimated that it takes 4 hours and 30 minutes to complete and submit the Form I-765, including reviewing instructions, gathering required documentation and information, preparing statements, attaching necessary documents, and submitting the application. It is estimated that it takes 30 minutes to complete and submit the Form I-765WS. If you have any suggestions for reducing the burden associated with this collection of information, you may send your comments to U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 5900 Capital Gateway Drive, Mail Stop #2140, Camp Springs, MD 20588-0009. The OMB control number for this collection of information is 1615-0040. Do not mail your completed Form I-765 to this address.