

Application for Employment Authorization



Instructions

U.S. Citizenship and Immigration Services (USCIS) recommends that you retain a copy of your completed application for your records.

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Part 1. General.

Purpose of the Application.

Certain aliens who are temporarily in the United States may file a Form I-765, Application for Employment Authorization, to request an Employment Authorization Document (EAD). Other aliens who are authorized to work in the United States without restrictions should also use this form to apply to USCIS for a document evidencing such authorization. Please review **Part 2: Eligibility Categories** to determine whether you should use this form.

If you are a lawful permanent resident, conditional resident or nonimmigrant authorized to be employed with a specific employer under 8 CFR 274a.12(b), please do **not** use this form.

Definitions.

Employment Authorization Document (EAD): Form I-688, Form I-688A, Form I-688B, Form I-766 or any successor document issued by USCIS as evidence that the holder is authorized to work in the United States.

Renewal EAD: An EAD issued to an eligible applicant at or after the expiration of a previous EAD issued under the same category. **NOTE: An applicant seeking to replace an expiring Employment Authorization Document should file Form I-765 at least 100 days before the current card expires.**

Replacement EAD: An EAD issued to an eligible applicant when the previously issued EAD has been lost, stolen, mutilated or contains erroneous information, such as a misspelled name.

Interim EAD: An EAD issued to an eligible applicant when USCIS has failed to adjudicate an application within 90 days of receipt of a properly filed EAD application or within 30 days of a properly filed initial EAD application based on an asylum application filed on or after January 4, 1995. The interim EAD will be granted for a period not to exceed 240 days and is subject to the conditions noted on the document.

Part 2. Eligibility Categories.

USCIS adjudicates a request for employment authorization by determining whether an applicant has submitted the required information and documentation, and whether the applicant is eligible. In order to determine your eligibility, you must identify the category in which you are eligible and fill in that category in **Question 16** on Form I-765. Enter only **one** of the following category numbers on the application form. For example, if you are a refugee applying for an EAD, you should write "**(a)(3)**" at **Question 16**.

For easier reference, the categories are subdivided as follows:

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Asylee/Refugee Categories.

Refugee--(a)(3). To obtain your first EAD after you arrive in the United States, this application will be completed for you prior to your departure to the United States and initially processed at the port of entry, and your secure EAD will be issued to you promptly by a USCIS service center. If you are applying for a renewal or replacement of an EAD, you must complete and submit the Form I-765 application with appropriate fees and a copy of your Form I-94, Arrival/Departure Record, to the appropriate USCIS office indicated in the "Where to File" section below.

Paroled as a Refugee--(a)(4). File your EAD application with a copy of your Form I-94, Arrival/Departure Record, as evidence of entry into the United States as a refugee. As a newly arriving parolee, your application will be processed at a USCIS service center and your secure EAD will be issued to you promptly. Applications for renewal or replacement EADs should be submitted as indicated in the "Where to File" section in **Part 5** of these instructions.

Asylee (Granted asylum)--(a)(5). You do not need to complete this application in order to receive your first EAD after you have been granted asylum by USCIS. USCIS will provide you further information about the prompt delivery of your secure EAD at the time the local asylum office gives you the decision granting you asylum status. However, if you are applying for

renewal or replacement of an EAD that you received following your asylum grant, you must complete and submit this Form I-765 application with appropriate fees and supporting documentation to the appropriate USCIS office as indicated in the "Where to File" section in **Part 5**.

Granted by Immigration Judge, BIA or federal court: To obtain your first EAD after you have been finally granted asylum by an immigration judge, the Board of Immigration Appeals (BIA) or a federal court, you must make and attend an InfoPass appointment at your local USCIS office or suboffice (not the Asylum Office). Please bring a copy of the final order or decision granting you asylum, evidence of your identity and, if available, any prior EAD that may have been issued to you while your asylum application was pending. The local USCIS office will process you for prompt receipt of your EAD. However, if you are applying for renewal or replacement of an EAD that you received following your asylum grant, you must complete and submit this Form I-765 application to the appropriate USCIS office with appropriate fees and supporting documentation as indicated in the "Where to File" section in **Part 5**.

Asylee Derivatives following to Join or accompanying principal asylee (Form I-730, Refugee/Asylee Relative Petition, beneficiaries): If you have been granted asylum abroad as a beneficiary of an approved Form I-730 application, you should make and attend an InfoPass appointment at your local USCIS district or suboffice to be processed for your EAD upon your arrival in the United States. You must bring all documents showing that you have been granted asylum and evidence of your identity, if available. If you are already living in the United States at the time Form I-730 was approved granting you asylum, you must complete this application for an EAD and file it along with a copy of your Form I-730 approval notice to Nebraska Service Center in accordance with the "Where to File" instructions in **Part 5**.

Asylum applicant (with a pending asylum application) who filed for asylum on or after January 4, 1995--(c)(8). (For specific instructions for applicants with pending asylum claims, see Page 5).

Nationality Categories.

Citizen of Micronesia, the Marshall Islands or Palau--(a)(8). File your EAD application if 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, pursuant to agreements between the United States and the former trust territories.

Deferred Enforced Departure (DED) / Extended Voluntary Departure--(a)(11). File your EAD application with evidence of your identity and nationality.

Temporary Protected Status (TPS)--(a)(12). File your EAD application with Form I-821, Application for Temporary Protected Status. If you are filing for an initial EAD based on your TPS status, include evidence of identity and nationality as required by the Form I-821 instructions.

Temporary treatment benefits --(c)(19). For an EAD based on 8 CFR 244.5. Include evidence of nationality and identity as required by the Form I-821 instructions.

- **Extension of TPS status:** Include a copy (front and back) of your last available TPS document: EAD, Form I-94 or approval notice.
- **Registration for TPS only without employment authorization:** File the Form I-765, Form I-821 and a letter indicating that this form is for registration purposes only. No fee is required for the Form I-765 filed as part of TPS registration. (Form I-821 has separate fee requirements.)

NACARA section 203 applicants who are eligible to apply for NACARA relief --(c)(10). See the instructions to Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal, to determine if you are eligible to apply for NACARA 203 relief with USCIS.

If you are eligible, follow the instructions below and submit your Form I-765 at the same time you file your Form I-881 application with USCIS:

- If you are filing a Form I-881 with USCIS, file your EAD application at the same time and at the same filing location. Your response to **Question 16** on the Form I-765 should be **"(c)(10)."**
- If you have already filed your Form I-881 application at the service center specified on the Form I-881, and now wish to apply for employment authorization, your response to **Question 16** on Form I-765 should be **"(c)(10)."** You should file your EAD application at the Service Center designated in Part 5 of these instructions.
- If you are a NACARA Section 203 applicant who previously filed a Form I-881 with USCIS and the application is still pending, you may renew your EAD. Your response to **Question 16** on Form I-765 should be **"(c)(10)."** Submit the required fee and the EAD application to the service center designated in Part 5 of these instructions.

Dependent of TECRO E-1 nonimmigrant--(c)(2). File your EAD application with the required certification from the American Institute in Taiwan if you are the spouse, or unmarried dependent son or daughter of an E-1 employee of the Taipei Economic and Cultural Representative Office.

Foreign Students.

F-1 student seeking optional practical training in an occupation directly related to studies--(c)(3)(i).

File your EAD application with a Certificate of Eligibility of Nonimmigrant (F-1) Student Status (Form I-20 A-B/I-20 ID) endorsed by a Designated School Official within the past 30 days.

F-1 student offered off-campus employment under the sponsorship of a qualifying international organization-- (c)(3)(ii).

File your EAD application with the international organization's letter of certification that the proposed employment is within the scope of its sponsorship, and a Certificate of Eligibility of Nonimmigrant (F-1) Student Status--For Academic and Language Students (Form I-20 A-B/I-20 ID) endorsed by the Designated School Official within the past 30 days.

F-1 student seeking off-campus employment due to severe economic hardship--(c)(3)(iii).

File your EAD application with Form I-20 A-B/I-20 ID, Certificate of Eligibility of Nonimmigrant (F-1) Student Status--For Academic and Language Students, and any evidence you wish to submit, such as affidavits that detail the unforeseen economic circumstances that cause your request, and evidence that you have tried to find off-campus employment with an employer who has filed a labor and wage attestation.

J-2 spouse or minor child of an exchange

visitor--(c)(5). File your EAD application with a copy of your J-1's (principal alien's) Certificate of Eligibility for Exchange Visitor (J-1) Status (Form IAP-66). You must submit a written statement, with any supporting evidence showing, that your employment is not necessary to support the J-1 but is for other purposes.

M-1 student seeking practical training after

completing studies--(c)(6). File your EAD application with a completed Form I-539, Application to Change/Extend Nonimmigrant Status and Form I-20 M-N, Certificate of Eligibility for Nonimmigrant (M-1) Student Status--For Vocational Students endorsed by the Designated School Official within the past 30 days.

Eligible Dependents of Employees of Diplomatic Missions, International Organizations or NATO.

Dependent of A-1 or A-2 Foreign Government

Officials--(c)(1). Submit your EAD application with Form I-566, Inter-Agency Record of Individual Requesting Change/Adjustment to, or from, A or G Status; or Requesting A, G, or NATO Dependent Employment Authorization, through your diplomatic mission to the U.S. Department of State (DOS). DOS will forward all favorably endorsed applications directly to the Nebraska Service Center for adjudication.

Dependent of G-1, G-3 or G-4 nonimmigrant

--(c)(4). Submit your EAD application with a Form I-566, Inter-Agency Record of Individual Requesting Change/Adjustment to or from A or G Status; or Requesting A, G, or NATO Dependent Employment Authorization, through your international organization to the U.S. Department of State (DOS). [In New York City, the United Nations (UN) and UN missions should submit such applications to the United States Mission to the UN (USUN).] DOS or USUN will forward all favorably endorsed applications directly to the Nebraska Service Center for adjudication.

Dependent of NATO-1 through NATO-6--(c)(7).

Submit your EAD application with Form I-566, Inter-Agency Record of Individual Requesting Change/Adjustment to, or from, A or G Status; or Requesting A, G or NATO Dependent Employment Authorization, to NATO SACLANT, 7857 Blandy Road, C-027, Suite 100, Norfolk, VA 23551-2490. NATO/SACLANT will forward all favorably endorsed applications directly to the Nebraska Service Center for adjudication.

Employment-Based Nonimmigrant Categories.

B-1 Nonimmigrant who is the personal or domestic servant of a nonimmigrant employer--(c)(17)(i).

File your EAD application with:

- Evidence from your employer that he or she is a B, E, F, H, I, J, L, M, O, P, R or TN nonimmigrant and you were employed for at least one year by the employer before the employer entered the United States or your employer regularly employs personal and domestic servants and has done so for a period of years before coming to the United States; and
- Evidence that you have either worked for this employer as a personal or domestic servant for at least one year, or evidence that you have at least one year's experience as a personal or domestic servant; and
- Evidence establishing that you have a residence abroad which you have no intention of abandoning.

B-1 nonimmigrant domestic servant of a U.S. citizen-- (c)(17)(ii).

- File your EAD application with:
- Evidence from your employer that he or she is a U.S. citizen; and
 - Evidence that your employer has a permanent home abroad or is stationed outside the United States and is temporarily visiting the United States or the citizen's current assignment in the United States will not be longer than four years; and
 - Evidence that he or she has employed you as a domestic servant abroad for at least six months prior to your admission to the United States.

B-1 nonimmigrant employed by a foreign airline

--(c)(17)(iii). File your EAD application with a letter from the airline fully describing your duties and indicating that your position would entitle you to 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.

Spouse of an E-1/E-2 Treaty Trader or

Investor--(a)(17). File your EAD application with evidence of your lawful status and evidence that you are a **spouse** of a principal E-1/E-2, such as your Form I-94. (Other relatives or dependents of E-1/E-2 aliens who are in E status are not eligible for employment authorization and may not file under this category.)

Spouse of an L-1 Intracompany Transferee--(a)(18).

File your EAD application with evidence of your lawful status and evidence that you are a **spouse** of a principal L-1, such as your I-94. (Other relatives or dependents of L-1 aliens who are in L status are not eligible for employment authorization and may not file under this category.)

Family-Based Nonimmigrant Categories.

K-1 nonimmigrant fiance(e) of a U.S. citizen or K-2 dependent--(a)(6). File your EAD application if you are filing within 90 days from the date of entry. This EAD cannot be renewed. Any EAD application other than for a replacement must be based on your pending application for family-based adjustment under (c)(9).

K-3 nonimmigrant spouse of a U.S. citizen or K-4 dependent--(a)(9). File your EAD application along with evidence of your admission, such as copies of your Form I-94, passport and K visa.

Family Unity Program--(a)(13). File your EAD application with a copy of the approval notice, if you have been granted status under this program. You may choose to file your EAD application concurrently with your Form I-817, Application for Voluntary Departure Under the Family Unity Program. USCIS may take up to 90 days from the date that you are granted status under the Family Unity Program to adjudicate your EAD application. If you were denied Family Unity status solely because your legalized spouse or parent first applied under the Legalization/SAW programs after May 5, 1988, file your EAD application with a new Form I-817 application and a copy of the original denial. However, if your EAD application is based on continuing eligibility under (c)(12), please refer to **Deportable Alien Granted Voluntary Departure.**

LIFE Family Unity--(a)(14). If you are applying for initial employment authorization pursuant to the Family Unity provisions of section 1504 of the LIFE Act Amendments, or an extension of such authorization, you should not be using this form. Please obtain and complete a Form I-817, Application for Family Unity Benefits. If you are applying for a replacement EAD that was issued pursuant to the LIFE Act Amendments Family Unity provisions, file your EAD application with the required evidence listed in **Part 3.**

V-1, V-2 or V-3 nonimmigrant--(a)(15). If you have been inspected and admitted to the United States with a valid V visa, file this application along with evidence of your admission, such as copies of your Form I-94, passport, and V visa. If you have been granted V status while in the United States, file this application along with evidence of your V status, such as an approval notice. If you are in the United States but you have not yet filed an application for V status, you may file this application at the same time as you file your application for V status. USCIS will adjudicate this application after adjudicating your application for V status.

EAD Applicants Who Have Filed for Adjustment of Status.**Employment-Based Adjustment Applicant--(c)(9).**

File your EAD application with a copy of the receipt notice or other evidence that your Form I-485, application for permanent residence, is pending. If you have not yet filed your Form I-485, you may submit Form I-765 together with your Form I-485.

Renewal EAD for National Interest Waiver

Physicians: If you are filing for a renewal EAD based on your pending adjustment status and an approved National Interest Waiver Physician petition, you must also include evidence of your meaningful progress toward completing the national interest waiver obligation. Such evidence includes documentation of employment in any period during the previous 12 months (e.g. copies of W-2 forms.) If you did not work as a national interest waiver physician during any period of the previous 12 months, you must explain and provide statement of future intent to work in the national interest waiver employment.

Family-based adjustment applicant --(c)(9). File your EAD application with a copy of the receipt notice or other evidence that your Form I-485, application for permanent residence, is pending. You may file Form I-765 together with your Form I-485.

Adjustment applicant based on continuous residence since January 1, 1972--(c)(16). File your EAD application with your Form I-485, Application for Permanent Residence, a copy of your receipt notice or other evidence that the Form I-485 application is pending.

Others Categories.

N-8 or N-9 nonimmigrant--(a)(7). File your EAD application with the required evidence listed in **Part 3.**

Granted Withholding of Deportation or Removal --(a)(10). File your EAD application with a copy of the Immigration Judge's order.

Applicant for Suspension of Deportation--(c)(10). File your EAD application with evidence that your Form I-881, Application for Suspension of Deportation, or EOIR-40, is pending

Paroled in the Public Interest--(c)(11). File your EAD application if you were paroled into the United States for emergent reasons or reasons strictly in the public interest.

Deferred Action--(c)(14). File your EAD application with a copy of the order, notice or document placing you in deferred action and evidence establishing economic necessity for an EAD.

Final Order of Deportation--(c)(18). File your EAD application with a copy of the order of supervision and a request for employment authorization that may be based on, but not limited to, the following:

- Existence of a dependent spouse and/or children in the United States who rely on you for support; and
- Existence of economic necessity to be employed;
- Anticipated length of time before you can be removed from the United States.

LIFE Legalization applicant--(c)(24). You are encouraged to file your EAD application together with your Form I-485, Application to Register Permanent Residence or Adjust Status, to facilitate processing. However, you may file Form I-765 at a later date with evidence that you were a CSS, LULAC or Zambrano class member applicant before October 1, 2000, and with a copy of the receipt notice or other evidence that your Form I-485 is pending.

T-1 nonimmigrant--(a)(16). If you are applying for initial employment authorization as a T-1 nonimmigrant, file this form only if you did not request an employment authorization document when you applied for T nonimmigrant status. If you have been granted T status and this is a request for a renewal or replacement of an employment authorization document, file this application along with evidence of your T status, such as an approval notice.

T-2, T-3 or T-4 nonimmigrant--(c)(25). File this form with a copy of your T-1's (principal alien's) approval notice and proof of your relationship to the T-1 principal.

Part 3. Required Documentation.

All applications must be filed with the documents required below, in addition to the particular evidence required for the category listed in **Part 2, Eligibility Categories**, with fee, if required.

If you are required to show economic necessity for your category (See **Part 2**), submit a list of your assets, income and expenses.

Please assemble the documents in the following order:

Your application with the filing fee. See **Part 4, Fee** for details.

If you are mailing your application to USCIS, you must also submit:

- A copy of Form I-94 Departure Record (front and back), if available. If you are filing an I-765 under the (c) (9) category, an I-94 record does not need to be submitted.
- A copy of your last EAD (front and back). If no prior EAD has been issued, you must submit a copy of a federal 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 identity document photocopy must clearly show the facial features of the applicant and the biographical information.
- Two passport-style color photos with a white background taken no earlier than 30 days before submission to USCIS. They should be unmounted, glossy and unretouched. The photos should show a full-frontal facial position. Your head should be bare unless you are wearing a headdress as required by a religious order to which you belong. The photo should not be larger than 2 x 2 inches, with the distance from the top of the head to just below the chin about 1 1/4 inches. Lightly print our name and your A#, if known, on the back of each photo with a pencil.

Special Filing Instructions for Those With Pending Asylum Applications (c)(8).

Asylum applicants (with a pending asylum application) who filed for asylum on or after January 4, 1995. You must wait at least 150 days following the filing of your asylum claim before you are eligible to apply for an EAD. Any delay in processing the asylum application that is caused by you, including unexcused failure to appear for fingerprinting and other biometrics capture, will not be counted as part of that 150 days. If you fail to appear for your asylum interview or for a hearing before an immigration judge, you will be ineligible for an EAD. If you have received a recommended approval for a grant of asylum, you do not need to wait the 150 days and may apply for an EAD immediately upon receipt of your recommended approval. If you file your EAD application early, it will be denied. File your EAD application with:

- A copy of the USCIS acknowledgement mailer that was mailed to you; or
- Other evidence that your Form I-589 asylum application was filed with USCIS; or
- Evidence that your Form I-589 asylum application was filed with an Immigration Judge at the Executive Office for Immigration Review (EOIR); or
- Evidence that your asylum application remains under administrative or judicial review.

Asylum application (with a pending asylum application) who filed for asylum and for withholding of deportation prior to January 4, 1995 and is NOT in exclusion or deportation proceedings.

You may file your EAD application at any time. However, employment authorization will only be granted if USCIS finds that your asylum application is not frivolous. File your EAD application with:

- A complete copy of your previously filed Form I-589; AND
- A copy of your USCIS receipt notice; or
- A copy of the USCIS acknowledgement mailer; or
- Evidence that your Form I-589 was filed with EOIR; or
- Evidence that your asylum application remains under administrative or judicial review; or
- Other evidence that you filed an asylum application.

Asylum applicants (with a pending asylum application) who filed an initial request for asylum prior to January 4, 1995, and IS IN exclusion or deportation proceedings. If you filed your Request for Asylum and Withholding of Deportation (Form I-589) prior to January 4, 1995 and you **ARE IN** exclusion or deportation proceedings, file your EAD application with:

- A date-stamped copy of your previously filed Form I-589; or
- 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; or
- A copy of EOIR-26, Notice of Appeal, date stamped by the Office of the Immigration Judge; or
- A date-stamped copy of a petition for judicial review or for habeas corpus issued to the asylum applicant; or
- Other evidence that you filed an asylum application with EOIR.

Asylum Application Under the ABC Settlement

Agreement--(c)(8). If you are a Salvadoran or Guatemalan national eligible for benefits under the ABC settlement agreement, *American Baptist Churches v. Thornburgh*, 760 F. Supp. 976 (N.D. Cal. 1991), please follow the instructions contained in this section when filing your Form I-765.

You must have a Form I-589 asylum application on file either with USCIS or with an immigration judge in order to receive work authorization. Therefore, please submit evidence that you have previously filed an asylum application when you submit your EAD application. You are not required to submit this evidence when you apply, but it will help USCIS process your request efficiently.

If you are renewing or replacing your EAD, you must pay the filing fee.

Mark your application as follows:

- Write "ABC" in the top right corner of your EAD application. You must identify yourself as an ABC class member if you are applying for an EAD under the ABC settlement agreement.
- Write "(c)(8)" in **Section 16** of the application.

You are entitled to an EAD without regard to the merits of your asylum claim. Your application for an EAD will be decided within 60 days if: (1) you pay the filing fee, (2) you have a complete, pending asylum application on file and (3) write "ABC" in the top right corner of your EAD application. If you do not pay the filing fee for an initial EAD request, your request may be denied if USCIS finds that your asylum application is frivolous. However, if you cannot pay the filing fee for an EAD, you may qualify for a fee waiver under 8 CFR 103.7(c). See **Part 4** concerning fee waivers.

Part 4. Fee.

What Is the Fee? Applicants must pay a fee of **\$180.00** unless noted below.

If a fee is required, it will not be refunded. Pay in the exact amount. Checks and money orders must be payable in U.S. currency. Make check or money order payable to the **"Department of Homeland Security,"** unless:

If you live in Guam make your check or money order payable to **"Treasurer, Guam."** If you live in the U.S. Virgin Islands make your check or money order payable to **"Commissioner of Finance of the Virgin Islands."**

A charge of \$30.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn. Please do **not** send cash in the mail.

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:

- (a)(3) Refugee;
- (a)(4) Paroled as Refugee;
- (a)(5) Asylee;
- (a)(7) N-8 or N-9 nonimmigrant;
- (a)(8) Citizen of Micronesia, Marshall Islands or Palau;
- (a)(10) Granted Withholding of Deportation;
- (a)(11) Deferred Enforced Departure;
- (a)(16) Victim of Severe Form of Trafficking (T-1);
- (c)(1), (c)(4), or (c)(7) Dependent of certain foreign government, international organization, or NATO personnel; or
- (c)(8) Applicant for asylum [an applicant filing under the special ABC procedures must pay the fee].

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:

- (a)(8) Citizen of Micronesia, Marshall Islands, or Palau;
- (a)(10) Granted Withholding of Deportation;
- (a)(11) Deferred Enforced Departure; or
- (c)(1), (c)(4), or (c)(7) Dependent of certain foreign government, international organization or NATO personnel.

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

(c)(1), (c)(4) or (c)(7) Dependent of certain foreign government, international organization or NATO personnel.

You may be eligible for a fee waiver under 8 CFR 103.7(c).

USCIS will use the Poverty Guidelines published annually by the Department of Health and Human Services as the basic criteria in determining the applicant's eligibility when economic necessity is identified as a factor.

The Poverty Guidelines will be used as a guide, but not as a conclusive standard, to adjudicate fee waiver requests for employment authorization applications requiring a fee.

1) No fee is required if you are filing only because the card issued to you was incorrect due to a USCIS administrative error. However, if the error was not caused by USCIS, both application and biometrics fees are required.

2) No Fee is required if you are filing only because you never received your card. However, if the card was sent to the address provided and never returned to USCIS, your application will be rejected. You will need to file another I-765 for a replacement Employment Authorization Document with fee.

In either scenario 1 or 2 above, you must file Form I-765 application and on the first page of the form under "**I am applying for**", check either the box that states: "Replacement of Employment Authorization Document that was issued with incorrect information because of a USCIS administrative error" or "Replacement of Employment Authorization Document that was never received."

How to Check If the Fee Is Correct: The fee on this form is current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fee is correct by following one of the steps below:

- Visit our website at www.uscis.gov and scroll down to "Forms and E-Filing" to check the appropriate fee, or
- Review the Fee Schedule included in your form package, if you called us to request the form, or
- Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

NOTE: If your application requires a biometrics fee for USCIS to take your fingerprints, photograph or signature, you can use the same procedure above to confirm the biometrics fee.

Part 5. Where to File.

Replacing a Card That Was Never Received. If you are filing this application to replace an employment authorization document that was never received, you should do the following:

Prepare another Form I-765. On the first page of the form, under "**I am applying for**", check the box that reads: "Replacement of Employment Authorization Document that was never received." Include any documents with your application that support your claim.

When completed, mail your application to the USCIS office that processed your previously filed Form I-765 application.

To find the USCIS office mailing address, refer to the Form I-797, Notice of Action, and/or e-Filing confirmation receipt that you received for your previously filed Form I-765. In addition to the new Form I-765 application, you should send a copy of the Form I-797 and/or e-Filing confirmation receipt issued for your previously filed application.

NOTE: Form I-765 applications with this reason checked (My authorized card was never received.) do not require the application base fee or biometrics fee.

Replacing a Card That Was Issued With Incorrect Data on Account of a USCIS Error. If you are submitting your application because of the situation, you should do the following:

Prepare another Form I-765 application. On the first page of the form, under "I am applying for", check the box that reads: "Replacement of Employment Authorization Document that was issued with incorrect information because of a USCIS administrative error." Include any documents with your application that support your claim.

When completed, mail your application to the USCIS office that processed your previously filed Form I-765.

To find the USCIS office mailing address, refer to the USCIS letter that came with your Form I-765 employment authorization document. The letter lists the address of the office that processed your previously filed Form I-765.

In addition, applicants are required to submit the original Employment Authorization Document containing incorrect information and evidence that supports the requested correction.

Form I-765 applications submitted with this reason checked (My card was issued with incorrect information because of a USCIS administrative error.) do not require the application base fee or biometrics fee.

If your response to **Question 16** is: **(a)(3), (a)(4), (a)(5), (a)(7)** or **(a)(8)**, mail your application to:

USCIS Service Center
P.O. Box 87765
Lincoln, NE 68501-7765

If your response to **Question 16** is **(a)(9)**, mail your application to:

USCIS
P.O. Box 7218
Chicago, IL 60680-7218

If your response to **Question 16** is **(a)(15)**, mail your application to:

USCIS
P.O. Box 7216
Chicago, IL 60680-7216

If your response to **Question 16** is **(a)(14)** or **(c)(24)**, mail your application to:

USCIS
P.O. Box 7219
Chicago, IL 60680-7219

If your response to **Question 16** is: **(a)(16)** or **(c)(25)** mail your application to:

USCIS Service Center
75 Lower Welden St.
St. Albans, VT 05479-0001

If your response to **Question 16** is: **(a)(12)** or **(c)(19)**, file your EAD application according to the instructions in the Federal Register notice for your particular country's TPS designation.

If your response to **Question 16** is **(c)(1), (c)(4)** or **(c)(7)**, submit your application through your principal's sponsoring organization. Your application will be reviewed and forwarded by DOS, USUN or NATO/SACLANT to the Nebraska Service Center following certification of your eligibility for an EAD.

If your response to **Question 16** is **(c)(8)** under the special ABC filing instructions, and you are filing your asylum and EAD applications together, mail your application to the office where you are filing your asylum application.

If your response to **Question 16** is **(c)(9)**, **employment-based adjustment**, file your application as follows:

Concurrent Forms I-765/I-140/I-485 Filings:

- If you are filing your Form I-765 together with a Forms I-140 (Petition for Alien Worker)/I-485 package, submit the entire package of the three forms to:

USCIS Service Center
P.O. Box 87485
Lincoln, NE 68501-7485

Concurrent Forms I-765/I-485 Filings:

- If your Form I-140 petition is pending or has already been approved, file your Forms I-485/I-765 package with the service center where the Form I-140 is pending or approved. Include the Form I-140 receipt or approval notice.

Form I-765 Filed Alone:

- If your employment-based Form I-485 is pending, file your Form I-765 at the same Service Center currently processing your Form I-485. Include a copy of your receipt notice. If your employment-based Form I-485 has been transferred to a local office, file your Form I-765 at the Service Center from which your Form I-485 was transferred.
- In all other cases, if your response to **Question 16** is **(c)(9)**, submit your Form I-765 to the Chicago Lockbox Facility listed below:

U.S. Citizenship and Immigration Services
P.O. Box 805887
Chicago, IL 60680-4120

Or, for non-United States Postal Service (USPS) deliveries (e.g. private couriers):

U.S. Citizenship and Immigration Services
Attn.: FBASI
427 S. LaSalle - 3rd Floor
Chicago, IL 60605-1098

- If your response to **Question 16** is: **(a)(6), (a)(11), (a)(13), (a)(17), (a)(18), (c)(2), (c)(3)(i), (c)(3)(ii), (c)(3)(iii), (c)(5), (c)(6), (c)(8), (c)(17)(i), (c)(17)(ii) or (c)(17)(iii)**: mail your application based on your address to the appropriate **Service Center**. The correct **Service Center** is based on the state or territory where you live.

If you live in:		Mail your application to:
Connecticut D.C. Maryland New Hampshire New York Puerto Rico Vermont West Virginia	Delaware Maine Massachusetts New Jersey Pennsylvania Rhode Island Virginia U.S.V.I.	USCIS Service Center 75 Lower Welden Street St. Albans, VT 05479-0001
Arizona Guam Nevada	California Hawaii	USCIS Service Center P.O. Box 10765 Laguna Niguel, CA 92607-1076
Alabama Florida Kentucky Mississippi North Carolina South Carolina Texas	Arkansas Georgia Louisiana New Mexico Oklahoma Tennessee	USCIS Service Center P.O. Box 851041 Mesquite, TX 75185-1041

If you live in:**Mail your application to:**

Alaska	Colorado	USCIS Service Center P.O. Box 87765 Lincoln, NE 68501-7765
Idaho	Illinois	
Indiana	Iowa	
Kansas	Michigan	
Minnesota	Missouri	
Montana	Nebraska	
North Dakota	Ohio	
Oregon	South Dakota	
Utah	Washington	
Wisconsin	Wyoming	

- (c)(14)-** Aliens granted deferred action, except those aliens who have been granted deferred action based on:
- (1) An approved Form I-360 (as a battered spouse or child of a U.S. citizen or lawful permanent resident), or
 - (2) A pending bona fide application for T nonimmigrant status, or
 - (3) U nonimmigrant status interim relief,

(c)(16)- Aliens who are filing for creation of lawful admission for permanent residence under section 249 of the Act, or

(c)(18)- Aliens granted an Order of Supervision (except for those individuals affected by the recent U.S. Supreme Court decision, *Clark v. Martinez* 125 S. Ct. 716 (i.e. Mariel Cubans):

- If your response to **Question 16** is **(c)(10)** and you are a NACARA 203 applicant eligible to apply for relief with USCIS, or if your Form I-881 application is still pending with USCIS and you wish to renew your EAD, mail your EAD application with the required fee to the appropriate USCIS service center below:

If you live in Alabama, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Utah, the U.S. Virgin Islands, Vermont, Virginia, West Virginia or Wyoming, mail your application to:

USCIS Service Center
75 Lower Welden St.
St. Albans, VT 05479-0001

If you live in Alaska, Arizona, California, the Commonwealth of Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, Ohio, South Dakota, Washington or Wisconsin, mail your application to:

USCIS Service Center
P.O. Box 10765
Laguna Niguel, CA 92607-1076

You should submit the fee for the EAD application on a separate check or money order. Do not combine your check or money order with the fee for the Form I-881.

Mail your application and all supporting evidence to the Chicago Lockbox Facility listed below:

U.S. Citizenship and Immigration Services
P.O. Box 805887
Chicago, IL 60680-4120

Or, for non-United States Postal Service (USPS) deliveries (e.g. private couriers):

U.S. Citizenship and Immigration Services
Attn. FBASI
427 S. LaSalle - 3rd Floor
Chicago, IL 60605-1098

Part 6. Processing Information.

Acceptance. If your application is complete and filed at a USCIS Service Center, you will be mailed a Form I-797 receipt notice. However, an application filed without the required fee, evidence, signature or photographs (if required) will be returned to you as incomplete. You may correct the deficiency and resubmit the application; however, an application is not considered properly filed until USCIS accepts it.

Approval. If approved, your EAD will either be mailed to you or you may be required to appear at your local USCIS office to receive the document.

Request for Evidence. If additional information or documentation is required, a written request will be sent to you specifying the information or advising you of an interview.

Denial. If your application cannot be granted, you will receive a written notice explaining the basis of your denial.

If your response to **Question 16** is one of the following categories:

- (a)(10)-** Aliens granted Withholding of Removal,
- (c)(10)-** If you are not eligible to apply for NACARA 203 relief with USCIS, but you are eligible for other deportation or removal relief,
- (c)(11)-** Aliens who are paroled into the United States temporarily for emergency reasons or the public interest,

Interim EAD. If you have not received a decision within 90 days of receipt by USCIS of a properly filed EAD application or within 30 days of a properly filed initial EAD application based on an asylum application filed on or after January 4, 1995, you may obtain interim work authorization by appearing in person at your local USCIS district office. You must bring proof of identity and any notices that you have received from USCIS in connection with your application for employment authorization.

Eligibility for an interim EAD may be delayed for any period that a request for evidence or notice of intent to deny on this application (or any application upon which you have based your claim of eligibility for employment authorization) remains unanswered. An interim EAD will not be granted if you fail to appear for your biometrics appointment in connection with this application (or any application upon which you have based your claim of eligibility for employment authorization).

Part 7. Other Information.

Penalties for Perjury. All statements contained in response to questions in this application are declared to be true and correct under penalty of perjury. Title 18, United States Code, Section 1546, provides in part:

... Whoever knowingly makes under oath, or as permitted under penalty of perjury under 1746 of Title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document containing any such false statement—shall be fined in accordance with this title or imprisoned not more than five years, or both.

The knowing placement of false information on this application may subject you and/or the preparer of this application to criminal penalties under Title 18 of the United States Code. The knowing placement of false information on this application may also subject you and/or the preparer to civil penalties under Section 274C of the Immigration and Nationality Act (INA), 8 U.S.C. 1324c. Under 8 U.S.C. 1324c, a person subject to a final order for civil document fraud is removable from the United States and may be subject to fines.

Authority for Collecting This Information. The authority to require you to file Form I-765, Application for Employment Authorization, when applying for employment authorization is found at sections 103(a) and 274A(h)(3) of the Immigration and Nationality Act. Information you provide on your Form I-765 is used to determine whether you are eligible for employment authorization and for the preparation of your Employment Authorization Document if you are found eligible. Failure to provide all information as requested may result in the denial or rejection of this application. The information you provide may also be disclosed to other federal, state, local and foreign law enforcement and regulatory agencies during the course of the USCIS investigations.

USCIS Forms and Information. To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations and procedures by telephoning our **National Customer Service Center** at **1-800-375-5283** or visiting our internet website at **www.uscis.gov**.

Use InfoPass for an Appointments. As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, **InfoPass**. To access the system, visit our website at **www.uscis.gov**. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen. Print the notice and take it with you to your appointment. The notice gives the time and date of your appointment, along with the address of the USCIS office.

Paperwork Reduction Act. An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

(USCIS) tries to create forms and instructions which are accurate and easily understood. Often this is difficult because immigration law can be very complex.

The public reporting burden for this form is estimated to average three 3 hours and 25 minutes per response, including the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information.

USCIS welcomes your comments regarding this burden estimate or any other aspect of this form, including suggestions for reducing this burden. Send your comments to U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd FLR., Suite 3008, Washington DC, 20529; OMB No. 1615-0040. **Do not mail your completed application to this Washington, D.C. address.**

Do not write in this block.

Remarks	Action Block	Fee Stamp
A#		
Applicant is filing under §274a.12 _____		
<input type="checkbox"/> Application Approved. Employment Authorized / Extended (<i>Circle One</i>) until _____ (Date). _____ (Date). Subject to the following conditions: _____ <input type="checkbox"/> Application Denied. <input type="checkbox"/> Failed to establish eligibility under 8 CFR 274a.12 (a) or (c). <input type="checkbox"/> Failed to establish economic necessity as required in 8 CFR 274a.12(c)(14), (18) and 8 CFR 214.2(f)		

I am applying for:

- Permission to accept employment.
- Replacement of lost Employment Authorization Document.
- Renewal of my permission to accept employment (*attach a copy of your previous Employment Authorization Document*).
- Replacement of Employment Authorization Document that was issued with incorrect information because of a USCIS administrative error.
- Replacement of Employment Authorization Document that was never received.

1. Name (Family Name in CAPS) (First) (Middle)	11. Have you ever before applied for employment authorization from USCIS? <input type="checkbox"/> Yes (If yes, complete below) <input type="checkbox"/> No Which USCIS Office? _____ Date(s) _____
2. Other Names Used (Include Maiden Name)	Results (Granted or Denied - attach all documentation)
3. Address in the United States (Number and Street) (Apt. Number) (Town or City) (State/Country) (ZIP Code)	12. Date of Last Entry into the U.S. (mm/dd/yyyy)
4. Country of Citizenship/Nationality	13. Place of Last Entry into the U.S.
5. Place of Birth (Town or City) (State/Province) (Country)	14. Manner of Last Entry (Visitor, Student, etc.)
6. Date of Birth (mm/dd/yyyy) 7. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	15. Current Immigration Status (Visitor, Student, etc.)
8. Marital Status <input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced	16. Go to Part 2 of the Instructions, Eligibility Categories. In the space below place the letter and number of the category you selected from the instructions. (For example, (a)(8); (c)(17)(iii); etc.) Eligibility under 8 CFR 274a.12 () () ()
9. U.S. Social Security Number (Include all numbers you have ever used, if any)	
10. Alien Registration Number (A-Number) or I-94 Number (if any)	

Certification.

Your Certification: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking. I have read the Instructions in **Part 2** and have identified the appropriate eligibility category in **Block 16**.

Signature _____ Telephone Number _____ Date _____

Signature of person preparing form, if other than above: I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

Print Name _____ Address _____ Signature _____ Date _____

Remarks	Initial Receipt	Resubmitted	Relocated		Completed		
			Rec'd	Sent	Approved	Denied	Returned