

There is no introduction or indication of the audience for this form. What does that tell you about the attitude of the agency that designed these instructions?

Instructions for I-765, Application for Employment Authorization

Instructions

Read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet of paper. Write your name and Alien Registration Number (A-Number), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

The instructions begin with a detailed warning to use the most recent form.

The filing addresses provided on this form reflect the most current information as of the date this form was last printed. If you are filing Form I-765 more than 30 days after the latest edition date shown in the lower right-hand corner, visit our Web site at www.uscis.gov before you file, and check the "FORMS" page to confirm the correct filing address and version currently in use. Check the edition date located in the lower right-hand corner of the form. If the edition date on your Form I-765 matches the edition date listed for Form I-765 on the online Forms page, your version is current and will be accepted by USCIS. If the edition date on the online version is later, download a copy and use the online version. If you do not have Internet access, call the National Customer Service Center at 1-800-375-5283 to verify the current filing address and edition date. Improperly filed forms will be rejected and the fee returned, with instructions to resubmit the entire filing using the current form instructions.

Like many government documents giving instructions for filling out forms, this one is long, complex, and difficult to follow. As you analyze this document, look at the government agency that designed it and the intended audience. Do you think this agency made any attempt to simplify these instructions for the intended audience? How would you go about making these instructions readable?

Renewal EAD: An EAD issued to an eligible applicant upon the expiration of a previous EAD issued under the same category.

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 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.

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What Is the Purpose of This Form?

Certain aliens who are temporarily in the United States may file 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 must also use this form to apply to USCIS for a document that shows such authorization. Review Eligibility Categories to determine whether you should use this form.

Is the highlighted sentence to the right as clear as it could be? How would you revise it?

Who May File This Form I-765?

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, write "(a)(3)" at Question 16.

For easier reference, the categories are subdivided as follows:

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.

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What challenges might these instructions to the right pose for a multilingual reader?

If you have been granted TPS by an immigration judge (IJ) or the Board of Immigration Appeals (BIA) and are requesting your first EAD, you must submit evidence of your IJ or BIA grant of TPS with your application for an EAD along with a copy of your I-821 application that the 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 or extension for your country. As further instructed in those notices, once you receive your I-797 application receipt notice, you must also send an e-mail to tpsijgrant.vsc@dhs.gov with the following information: Your name; your A number; your date of birth; the receipt number for your application; and the date you were granted TPS.

1. Asylee/Refugee Categories

- A. Refugee--(a)(3). File Form I-765 with either a copy of your Form I-590, Registration for Classification as Refugee, approval letter, or a copy of a Form I-730, Refugee/Asylee Relative Petition, approval notice.
- B. Paroled as a Refugee--(a)(4). File Form I-765 with a copy of your Form I-94, Arrival-Departure Record.
- C. Asylee (Granted Asylum)--(a)(5). File Form I-765 with a copy of the USCIS letter, or judge's decision, granting you asylum. It is not necessary to apply for an EAD as an asylee until 90 days before the expiration of your current EAD.
- D. 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 6.

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

2. Nationality Categories

- A. Citizen of Micronesia, the Marshall Islands, or Palau--(a)(8). File Form I-765 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 under agreements between the United States and the former trust territories.
- B. Deferred Enforced Departure (DED) / Extended Voluntary Departure--(a)(11). File Form I-765 with evidence of your identity and nationality.
- C. Temporary Protected Status (TPS)--(a)(12). You must file a Form I-765 with Form I-821, Application for Temporary Protected Status, for each applicant, regardless of age, even if you are not requesting employment authorization. (Only those applicants requesting employment authorization must pay the fee for Form I-765.) 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. Read the Form I-821 instructions for additional guidance and filing location.

- E. NACARA Section 203 Applicants Who Are Eligible to Apply for NACARA Relief With USCIS--(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 to USCIS for NACARA 203 relief.

If you are eligible, you may file a Form I-765 with the Form I-881. See Instructions to Form I-881 for filing location. If you file the Form I-765 separately from the Form I-881 see "Where to File?" instructions. Your response to Question 16 on the Form I-765 must be "(c)(10)."

You may be eligible for a fee waiver under 8 CFR 103.7(c) if you are filing for an EAD related to your application or grant of TPS.

- F. Dependent of TECRO E-1 Nonimmigrant--(c)(2). File Form I-765 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.

These instructions have little white space. How does that affect their clarity? The ease of locating information?

3. Foreign Students

A. F-1 Student Seeking Optional Practical Training in an Occupation Directly Related to Studies: (c)(3)(A) - Pre-completion Optional Practical Training; (c)(3)(B) - Post-completion Optional Practical Training; (c)(3)(C) - 17-month extension for STEM Students (Students With a degree in Science, Technology, Engineering, or Mathematics). File Form I-765 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. If you are a STEM student requesting a 17-month extension under the eligibility code (c)(3)(C), you must also submit a copy of your degree and the employer name as listed in E-Verify, along with the E-Verify Company Identification Number, or a valid E-Verify Client Company Identification Number for the employer with whom you are seeking the 17-month OPT extension. This information must be provided in Item 17 of the form.

B. F-1 Student Offered Off-Campus Employment Under the Sponsorship of a Qualifying International Organization--(c)(3)(ii). File Form

I-765 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/ -20 ID) endorsed by the Designated School Official within the past 30 days.

C. F-1 Student Seeking Off-Campus Employment Due to Severe Economic Hardship--(c)(3)(iii). File Form I-765 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.

D. J-2 Spouse or Minor Child of an Exchange Visitor--(c)(5). File Form I-765 with a copy of your

J-1 (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.

E. M-1 Student Seeking Practical Training After Completing Studies--(c)(6). File Form I-765 with

a completed Form I-539, Application to Change/Extend Nonimmigrant Status, according to the filing instructions for Form I-539. You must also include 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, with your application.

4. Eligible Dependents of Employees of Diplomatic Missions, International Organizations, or NATO A. Dependent of A-1 or A-2 Foreign Government Officials--(c)(1). Submit Form I-765 with Form I-566,

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). The DOS will forward all favorably endorsed applications directly to the Nebraska Service Center for adjudication.

B. Dependent of G-1, G-3 or G-4 Nonimmigrant--(c)(4). Submit Form I-765 with Form I-566,

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 international organization to the 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).) The DOS or USUN will forward all favorably endorsed applications directly to the Nebraska Service Center for adjudication.

C. Dependent of NATO-1 Through NATO-6--(c)(7). Submit Form I-765 with Form I-566, Interagency

Record of Request-A, G, or NATO Dependent Employment Authorization or Change/Adjustment to/from A, G, or NATO Status, 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.

5. Employment-Based Nonimmigrant Categories

A. B-1 Nonimmigrant Who Is the Personal or Domestic Servant of a Nonimmigrant Employer--(c)(17)(i). File Form I-765 with:

1. 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
2. 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

Would the information to the right be clearer in a numbered list? How would you revise this paragraph as a list?

3. Evidence establishing that you have a residence abroad that you have no intention of abandoning.

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

1. Evidence from your employer that he or she is a U.S. citizen; and
2. 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
3. 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.

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

from the airline fully describing your duties and stating 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.

D. Spouse of an E-1/E-2 Treaty Trader or Investor--(a)(17). File Form I-765 with evidence of your lawful status and evidence 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.)

E. Spouse of an L-1 Intracompany Transferee--(a)(18). File Form I-765 with evidence of your lawful status and evidence you are a spouse of a principal L-1, such as your Form 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.)

F. Spouse of an E-2 CNMI Investor--(c)(12). File Form I-765 with evidence of your lawful status and evidence you are a spouse of a principal E-2 CNMI Investor, and a copy of the principal E-2 CNMI Investor's long-term business certificate or Foreign Investment Certificate. (Please note that spouse of a principal E-2 CNMI Investor who obtained status on the basis of a Foreign Retiree Investment Certification is not eligible for employment authorization and may not file under this category.)

6. Family-Based Nonimmigrant Categories

A. K-1 Nonimmigrant Fiance(e) of U.S. Citizen or K-2 Dependent--(a)(6). File Form I-765 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 adjustment under (c)(9).

B. K-3 Nonimmigrant Spouse of U.S. Citizen or K-4 Dependent--(a)(9). File Form I-765 along with evidence of your admission such as copies of your Form I-94, passport, and K visa.

C. Family Unity Program--(a)(13). If you are filing for initial or extension Family Unity benefits, complete and submit Form I-817, Application for Voluntary Departure Under the Family Unity Program according to the filing instructions on Form I-817. An EAD will be issued if your Form I-817 is approved; you do not need to submit Form I-765.

If your non-expired Family Unity EAD is lost or stolen, file Form I-765 with proper fee(s), along with a copy of your approval notice for Family Unity benefits, to request a replacement.

D. LIFE Family Unity--(a)(14). If you are applying for initial employment authorization under Family Unity provisions of section 1504 of the LIFE Act Amendments, or an extension of such authorization, you should not use this form. Obtain and complete Form I-817, Application for Family Unity Benefits. If you are applying for a replacement EAD that was issued under LIFE Act Amendments Family Unity provisions, file Form I-765 with the required evidence listed in the "Required Document" section of these instructions.

E. 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 K 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.

7. EAD Applicants Who Have Filed for Adjustment of Status

A. Adjustment Applicant--(c)(9). File Form I-765

with a copy of the receipt notice or other evidence that your Form I-485, Application for Permanent Residence or Adjust Status, is pending. You may file Form I-765 together with your Form I-485.

B. Adjustment Applicant Based on Continuous Residence Since January 1, 1972--(c)(16). File

Form I-765 with your Form I-485, Application for Permanent Residence; a copy of your receipt notice; or other evidence that the Form I-485 is pending.

C. 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 a statement of future intent to work in the national interest waiver employment.

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

G. LIFE Legalization Applicant--(c)(24). We

encourage you to file Form I-765 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.

H. T-1 Nonimmigrant--(a)(16). If you are applying for initial employment authorization as a T-1 nonimmigrant, file Form I-765 only if you did not request an employment authorization document when you applied for T nonimmigrant status. If you have been granted T nonimmigrant status and this is a request for a renewal or replacement of an employment authorization document, file Form I-765 along with evidence of your T nonimmigrant status, such as an approval notice.

I. T-2, T-3, or T-4 Nonimmigrant--(c)(25). File

Form I-765 with a copy of your T-1 (principal alien's) approval notice and proof of your relationship to the T-1 principal.

J. U-1 Nonimmigrant--(a)(19). If you are applying

for initial employment authorization as a U-1 nonimmigrant, file Form I-765 only if you did not request an employment authorization document when you applied for U nonimmigrant status. If you have been granted U nonimmigrant status and this is a request for a renewal or replacement of an employment authorization document, file Form I-765 along with evidence of your U nonimmigrant status, such as an approval notice.

K. U-2, U-3, U-4, or U-5--(a)(20). If you obtained U

nonimmigrant status while in the United States, you must submit a copy of the approval notice for your U nonimmigrant 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.

L. VAWA Self-Petitioners--(C)(31). If you are the

principal beneficiary or qualified child of an approved VAWA self-petition, you are eligible for work authorization. File Form I-765 with evidence of your status, such as a copy of Form I-360 approved notice. Additionally, you may concurrently file Form I-765 with your initial VAWA self-petition.

8. Other Categories

A. N-8 or N-9 Nonimmigrant--(a)(7). File Form

I-765 with the required evidence listed in the "Required Document" section of these instructions.

B. Granted Withholding of Deportation or

Removal (a)(10). File Form I-765 with a copy of the

Immigration Judge's order. It is not necessary to apply for a new EAD until 90 days before the expiration of your current EAD.

C. Applicant for Suspension of Deportation--(c)(10). File Form I-765 with evidence that your Form

I-881, Application for Suspension of Deportation, or EOIR-40, is pending.

D. Paroled in the Public Interest--(c)(11). File Form

I-765 if you were paroled into the United States for emergent reasons or reasons strictly in the public interest.

E. Deferred Action--(c)(14). File Form I-765 with a

copy of the order, notice, or document placing you in deferred action and evidence establishing economic necessity for an EAD.

F. Final Order of Deportation--(c)(18). File Form

I-765 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:

1. Existence of a dependent spouse and/or children in the United States who rely on you for support;
2. Existence of economic necessity to be employed; and

Required Documentation

All applications must be filed with the documents required below in addition to the particular evidence required for the category listed in "Who May File This Form I-765?" with fee, if required.

If you are required to show economic necessity for your category, submit a list of your assets, income, and expenses.

Assemble the documents in the following order:

1. Your application with the filing fee. See "What Is the Filing Fee?" for details.
2. If you are mailing your application to USCIS, you must also submit:
 - A. A copy of Form I-94, Arrival-Departure Record (front and back), if available. If you are filing Form I-765 under the(c) (9) category, Form I-94 is not required.
 - B. 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.
 - C. You must submit two identical color photographs of yourself taken within 30 days of filing your application. The 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 photos must be 2" by 2". The photos must be in color with full face, frontal view on a white to off-white background. Head height should measure 1" to 1 3/8" from top to bottom of chin, and eye height is between 1 1/8" to 1 3/8" from bottom of photo. Your head must be bare unless you are wearing a headdress as required by a religious order of which you are a member. Using pencil or felt pen, lightly print your name and Alien Receipt Number on the back of the photo.

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

Asylum Applicant (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 biometric 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 Form I-765 early, it will be denied. File Form I-765 with:

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

Asylum applicant (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 Form I-765 at any time; however, it will only be granted if USCIS finds that your asylum application is not frivolous. File Form I-765 with:

1. A complete copy of your previously filed Form I-589;
2. A copy of your USCIS receipt notice; or
3. A copy of the USCIS acknowledgement mailer; or
4. Evidence that your Form I-589 was filed with EOIR; or
5. Evidence that your asylum application remains under administrative or judicial review; or
6. A copy of the USCIS acknowledgement mailer.

Asylum applicant (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:

1. A date-stamped copy of your previously filed Form I-589; or
2. 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

3. A copy of EOIR-26, Notice of Appeal, date stamped by the Office of the Immigration Judge; or
4. A date-stamped copy of a petition for judicial review or for habeas corpus issued to the asylum applicant; or
5. 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. Thornburg*, Supp. 976 (N.D. Cal. 1991), follow the instructions in this section when filing your Form I-765.

You must have an asylum application (Form I-589) either with USCIS or with an Immigration Judge to receive work authorization. Therefore, submit evidence you have previously filed an asylum application with USCIS. You are not required to submit Form I-765. You are not required to submit 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:

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

You are entitled to an EAD without regard to the outcome 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) you 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).

Special Filing Instructions for Spouses of E-2 CNMI Investors ((c)(12)).

Spouses of certain principal E-2 CNMI Investors (E-2C) are eligible to seek employment in the CNMI. An EAD issued under this category is only valid for employment in the Commonwealth of Northern Mariana Islands (the CNMI).

To determine if you are eligible for an EAD under this section, you must determine what type of investor certificate was issued by the CNMI to your spouse, the principal E-2 CNMI Investor. If your spouse was issued either a Long-Term Business Certificate or Foreign Investment Certificate, you may be eligible for an EAD under this category. If your

spouse, the principal E-2 CNMI Investor, was issued a Foreign Retiree Investment Certification, you are not eligible to receive an EAD under this category.

File Form I-765 with:

1. Documentation, such as a marriage certificate establishing a legal marriage between you and the principal E-2C. Additionally, documentation such as divorce or death certificates establishing the termination of any prior marriages of you and your spouse.
2. Documentation establishing that you reside in the Commonwealth of the Northern Mariana Islands.
3. Documentation establishing that you have obtained E-2C status as a dependent.
4. Evidence that your spouse has obtained E-2C status.
5. A copy of your spouse's CNMI issued Long-Term Business Certificate or Foreign Investment Certificate.

These Instructions include a numbering system for documents to be included in the application (to the right) and the same numbering system for instructions (Left-hand column below), and again for a process (Next page.) Would this document benefit from a variety of numbering systems? Or, would that make the document even more complex?

What Is the Filing Fee?

The filing fee for Form I-765 is \$380.

Exceptions:

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

1. (a)(3) Refugee;
2. (a)(4) Paroled as Refugee;
3. (a)(5) Asylee;
4. (a)(7) N-8 or N-9 nonimmigrant;
5. (a)(8) Citizen of Micronesia, Marshall Islands, or Palau;
6. (a)(10) Granted Withholding of Deportation;
7. (a)(16) Victim of Severe Form of Trafficking (T-1);
8. (a)(19) U-1 Nonimmigrant;
9. (c)(1), (c)(4), or (c)(7) Dependent of certain foreign government, international organization, or NATO personnel; or
10. (c)(8) Applicant for asylum. (An applicant filing under the special ABC procedures must pay the fee.)
11. (c)(31) VAWA Self-Petitioner.

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

1. (a)(8) Citizen of Micronesia, Marshall Islands, or Palau;
2. (a)(10) Granted Withholding of Deportation;
3. (c)(1), (c)(4), or (c)(7) Dependent of certain government, international organization, or personnel;
4. (c)(9) or (c)(16) Adjustment applicant who applied on or before July 30, 2007.

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

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

NOTE: If you are requesting a replacement (c)(9) or (c)(16) Adjustment applicant who applied after July 30, 2007, then the full filing fee will be required, however, no biometrics fee is required.

Incorrect Card: No fee is required if you were issued an incorrect card because of an administrative error. However, if the error was caused by USCIS, both application and biometric fees are required.

You may be eligible for a fee waiver under certain circumstances.

Use the following guidelines when you prepare your check or money order for the Form I-765 fee:

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and
2. Make the check or money order payable to U.S. Department of Homeland Security, unless:
 - A. If you live in Guam, make it payable to Treasurer, Guam.
 - B. If you live in the U.S. Virgin Islands, make it payable to Commissioner of Finance of the Virgin Islands.

NOTE: If you filed Form I-485, Application to Register Permanent Residence or Adjust Status, as of July 30, 2007, no fee is required to also file a request for employment authorization on Form I-765. You may file the I-765 concurrently with your I-485, or you may submit the I-765 at a later date. If you file Form I-765 separately, you must also submit a copy of your Form I-797C, Notice of Action, receipt as evidence of the filing of Form I-485 as of July 30, 2007.

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

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

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct

The form 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 fees are correct by following one of the steps below:

1. Visit our Web site at www.uscis.gov, select "Check Filing Fee," and check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at 1-800-375-5283 and ask for the fee information.

Where to File?

E-Filing Form I-765: Certain Form I-765 filings may be electronically filed (e-filed) with USCIS. View our Web site at www.uscis.gov for a list of who is eligible to e-file this form and instructions.

Paper Filing of Form I-765:

Please note that the filing locations for the paper version of this form are subject to change. Read the instructions carefully to determine where you must send your paper application.

Replacement EAD with an error that is the fault of USCIS

If you are completing a Form I-765 for replacement of an EAD that contains an error caused by USCIS, you must submit this form, accompanied by the card containing the error to the Service Center or National Benefit Center that approved your last employment authorization request. Please do not submit these applications to a Lockbox facility.

These instructions have become so complex that they require a double numbering system, as at the left. Would immigrants, who are often L2 speakers find this system challenging?

The list at the right gives three methods for confirming the amount of the filing fee. (Highlighted on the right.)

If your response to Question 16 is (a)(11), Deferred Enforced Departure (DED), mail your application according to the most recent Federal Register notice for your particular country's DED order. Please also check the most recent Federal Register notice regarding DED for your country for additional EAD filing instructions that may apply in your case.

File at the USCIS Vermont Service Center if your response to Question 16 is:

(a)(16), T-1 nonimmigrant victim of trafficking, or

(a)(19) U-1 nonimmigrant, or

(a)(20), U-2, U-3, U-4, or U-5 nonimmigrant immediate family member of a U-1 victim of criminal activity, or

(c)(9), an alien with a pending or approved VAWA self-petition and you have a pending Form I-485 that was filed with the Vermont Service Center based on this petition.

(c)(9), a T or U nonimmigrant and you have a pending Form I-485 that was filed with the Vermont Service Center based on this status.

(c)(14), an alien who has been granted deferred action as a surviving spouse or qualified child, or based on an approved Form I-360 filed for a battered or abused spouse or child, or

(c)(25), T-2, T-3, T-4, or T-5 nonimmigrant, immediate family member of a T-1 victim of severe form of trafficking in persons.

USCIS Vermont Service Center

USCIS
Vermont Service Center
Attn: I-765
75 Lower Welden St.
St. Albans, VT 05479-0001

If your response to Question 16 is:

(a)(12) or (c)(19) and you have already filed Form I-821, Application for Temporary Protected Status (TPS), you must include a copy of Form I-797C Notice of Action, showing that your initial Form I-821 was accepted or approved. File your Form I-765 according to the instructions in the Federal Register Notice for your particular country's TPS designation.

Review the options on this page. Do you find these easy to follow? Do you think a flow chart would improve this list? How would you design a flow chart to improve readability for these options?

(a)(12) or (c)(19) and you are initially filing or reregistering for TPS you must file Form I-765 with Form I-821 according to the instructions in the Federal Register Notice for your particular country's TPS designation. This includes an application for a lost, stolen, or mutilated EAD.

File at the USCIS Chicago Lockbox facility if your response to Question 16 is:

(a)(10), an alien granted withholding of deportation or removal; or

(c)(9) AND you filed your Form I-485 with the USCIS Chicago Lockbox facility, and your Receipt Number begins with "MSC." You must include a copy of the I-797C, Notice of Action, which shows your Form I-485 was accepted; or

(c)(10) AND you are not eligible to apply for NACARA 203 relief with USCIS, but you are eligible for other deportation or removal relief; or

(c)(11), an alien paroled into the United States temporarily for emergency reasons, or reasons deemed strictly in the public interest; or

(c)(14), an alien who has been granted deferred action, with the exception of those categories filed at the USCIS Vermont Service Center; or

(c)(16), an alien who has filed an application for creation of record of lawful admission for permanent residence; or

(c)(18), an alien against whom a final order of deportation or removal exists and who is released on an order of supervision.

Mail to the address below:

USCIS Chicago Lockbox

For U.S. Postal Service:

USCIS
P.O. Box 805887
Chicago, IL 60680-4120

For Express mail and courier deliveries:

USCIS
Attn: FBAS
131 South Dearborn-3rd Floor
Chicago, IL 60603-5517

If your response to Question 16 is:

(a)(14), an alien granted family unity benefits under Section 1504 of the LIFE Act, or

(a)(15), any alien in V nonimmigrant status, or

(c) (22), if you have a pending I-687 (Legalization application) or if you filed a completed Legalization application pursuant to Section 245A of the Act (and Section 245(a) 8 Code of Federal Regulations), or

(c)(24), an alien who has filed for adjustment of status under Section 1104 of the LIFE Act.

Mail to the address below:

USCIS Chicago Lockbox

For U.S. Postal Service:

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

For Express Mail and courier service:

USCIS
Attn: VKL
131 South Dearborn- 3rd Floor
Chicago, IL 60603-7219

If your response to Question 16 is:

(c)(1), alien spouse or unmarried dependent child, son, or daughter of a foreign government official,

(c)(4), eligible dependent of a G-1, G-3, or G-4 non-immigrant, or

(c)(7), Dependent of a NATO 1 through NATO 7

Submit your application through your principal's sponsoring organization and 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 employment authorization document.

If your response to Question 16 is (c)(12), Spouse of an E-2 CNMI Investor,

For U.S. Postal Service, mail your application to:

USCIS
California Service Center
ATTN: E-2C I-765
P.O. Box 10698
Laguna Niguel, CA 92607-1098

For Express mail and courier deliveries, mail your application to:

USCIS
California Service Center
ATTN: E-2C I-765
24000 Avila Road
2d Floor Room 2312
Laguna Niguel, CA 92677

For all other Form I-765s, file at the USCIS Phoenix or Dallas Lockbox facilities based on where you live. See chart below.

NOTE: If you are filing Form I-765 together with Form I-485, mail your applications to the address you will use to file the Form I-485.

If you are filing Form I-765 alone because you have already filed Form I-485 and it is pending, file your application at the USCIS Phoenix or Dallas Lockbox facilities based on where you live. You must include a copy of the I-797C, Notice of Action showing that your application was accepted.

USCIS Phoenix or Dallas Lockbox

If you live in :	File your application at:
Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming, or Commonwealth of the Northern Mariana Islands	<u>USCIS Phoenix Lockbox</u> For U.S. Postal Service (USPS) deliveries: USCIS PO Box 21281 Phoenix, AZ 85036 For Express mail and courier service deliveries: USCIS Attn: AOS 1820 E. Skyharbor Circle S Suite 100 Phoenix, AZ 85034
Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Oklahoma, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, or West Virginia	<u>USCIS Dallas Lockbox</u> For U.S. Postal Service (USPS) Deliveries: USCIS PO Box 660867 Dallas, TX 75266 For Express mail and courier service deliveries: USCIS Attn: AOS 2501 S. State Hwy. 121, Business Suite 400 Lewisville, TX 75067

E-Notification

If you are filing your Form I-765 at one of the USCIS Lockbox facilities, you may elect to receive an email and/or text message notifying you that your application has been accepted. You must complete Form G-1145, E-Notification of Application/Petition Acceptance, and clip it to the first page of your application. To download a copy of Form G-1145, including the instructions, click on the link www.uscis.gov "FORMS."

If your response to Question 16 is (c)(8) under the special ABC filing instructions, and you are filing your Form I-589, Application for Asylum, and this application together, mail your applications to the filing location identified in the Form I-589 instructions.

Otherwise, all other (c)(8) related applications will be filed at the USCIS Phoenix or Dallas Lockbox facility based on where you live. See filing chart.

Questions Regarding Form I-765

For additional information about Form I-765, including how to file your application or filing locations not mentioned, call the USCIS National Customer Service Center at 1-800-375-5283 or visit our Web site at www.uscis.gov.

Processing Information

Any Form I-765 that is not signed or accompanied by the correct fee will be rejected with a notice that Form I-765 is deficient. You may correct the deficiency and resubmit Form I-765. An application or petition is not considered properly filed until accepted by USCIS.

Initial processing

Once Form I-765 has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility, and we may deny your Form I-765.

Requests for more information or interview

We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

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 request interim work authorization by calling the USCIS National Customer Service Center at 1-800-375-5283 or by appearing in person at your local USCIS Field Office by making an InfoPass appointment. For further processing at a USCIS Field Office, you must bring proof of identity and any notices that you have received from USCIS in connection with your application for employment authorization.

Approval

If approved, your EAD will either be mailed to you or you may be required to visit your local USCIS office to pick it up.

Denial

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

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-765, we will deny your Form I-765 and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

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 Web site at www.uscis.gov.

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 Web site. 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.

Privacy Act Notice

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form.

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. The public reporting burden for this collection of information is estimated at 3 hours and 25 minutes per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Products Division, Office of the Executive Secretariat, 20 Massachusetts Avenue, N.W., Washington, DC 20529-2020. OMB No. 1615-0040. This form expires September 30, 2011. Do not mail your application to this address.