

Instructions

NOTE: The following are filing instructions for Temporary Protected Status (TPS) and temporary treatment benefits applicants from Honduras and Nicaragua:

- **How Do You Register for Temporary Protected Status (TPS)?**

Nationals of Nicaragua or Honduras (or eligible aliens who have no nationality and last habitually resided in Nicaragua or Honduras,) applying for late initial registration or re-registration for TPS, or applying to renew temporary treatment benefits, must submit Form I-821, Application for Temporary Protected Status, and Form I-765, Application for Employment Authorization, to the U.S. Citizenship and Immigration Services (USCIS).

For further filing instructions see the following Federal Register notices: for Hondurans at 69 FR 64084; for Nicaraguans at 69 FR 64088. The notices can be found at the USCIS website at www.uscis.gov.

You must complete and submit the Form I-765, even if you already have or do not require employment authorization.* After USCIS receives your application you will receive a notice to appear at a USCIS Application Service Center (ASC) for fingerprinting, which is part of the required biometric services. For production of an Employment Authorization Document (EAD), USCIS may also take your photograph and signature.

- **Where Should You File Your Application?**

Nationals of Honduras or Nicaragua should file their TPS applications (Forms I-821 and I-765) with the USCIS Chicago Lockbox at:

**U.S. Citizenship and Immigration Services
P.O. Box 87583
Chicago, IL 60680-0583**

Or, for non-U.S. Postal Service deliveries:

**U.S. Citizenship and Immigration Services
427 S. LaSalle Street - 3rd Floor
Chicago, IL 60680-0583**

Note that these addresses are not the locations where you submitted your forms during previous re-registration periods. Aliens re-registering or late initial registering under the TPS designation of Honduras and Nicaragua should not send their TPS forms and fees directly to a USCIS Service Center or district office. Failure to follow these instructions may delay processing of a TPS application. Nationals of other TPS-designated countries should file TPS applications in accordance with the Form I-821 instructions.

- **How Much Are the Fees?**

If you are filing for initial registration or late initial registration, include the following fees:

Form I-821, Application for Temporary Protected Status	\$ 50.00*
Form I-765, Application for Employment Authorization	\$175.00*
Biometrics Services (for fingerprinting and other services)	\$ 70.00
Total	\$295.00*

If you are filing for re-registration or renewal of temporary treatment benefits, include the following fees:

Form I-821, Application for Temporary Protected Status	no fee
Form I-765, Application for Employment Authorization	\$175.00*
Biometrics Services (for fingerprinting and other services)	\$ 70.00
Total	\$245.00*

* Only re-registrants requesting a TPS-related EAD are required to submit the \$175 filing fee or fee waiver request along with Form I-765, Request for Employment Authorization. If you are filing under late initial registration provisions (i.e., this is the first time you are applying for TPS), you are between the ages of 14 and 65 (inclusive), and are requesting employment authorization, you are required to submit the \$175 filing fee or fee waiver request along with Form I-765, Request for Employment Authorization. You may also request a fee waiver for the Form I-821 filing fee by completing and submitting an appropriately documented fee waiver request.

Applicants under 14 years of age requesting an EAD, and all applicants 14 years of age or older, must submit the **\$70.00** biometric services fee with their application. There is no waiver of the biometric services fee.

- **How Can You Get Information on Your Case?**

For information you may need before you file for TPS status, please call the USCIS National Customer Service Center at **1-800-375-5283** or visit our internet website at **www.uscis.gov**.

After you submit your TPS registration application packet, you will receive a receipt from the USCIS Chicago Lockbox. To determine the status of your application please visit our Case Status Online tool at **https://egov.immigration.gov/cris/jsps/index.jsp**. If you have other questions, call our National Customer Service Center or visit the USCIS internet website: **www.uscis.gov**.

I-821, Application for Temporary Protected Status

Instructions

NOTE: This revision updates instructions required for TPS registration and re-registration at question 7 and 10(B) on Page 2. This revision also combines instructions in questions 7 and 13 from prior versions of this form into a new question 7 on Page 2. The instructions in the new question 7 update instructions on biometric services.

Please read these instructions carefully to properly complete this form. If you need more space to answer a question, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A#) at the top of each sheet and indicate the number of the item to which the answer refers. An incomplete application may be returned to you, causing a delay in the processing of your application. The U.S. Citizenship and Immigration Services (USCIS) is comprised of offices of the former Immigration and Naturalization Service (INS).

1. Who May File for TPS?

You must be an eligible national of a foreign state (or parts thereof) or an alien having no nationality who last habitually resided in a foreign state that has been designated for Temporary Protected Status (TPS) by the Secretary of the Department of Homeland Security pursuant to section 244A of the Immigration and Nationality Act. You should check with the nearest office of USCIS for designations currently in force or visit our website at www.uscis.gov.

2. What Documents Should You Submit?

You do not need to provide original documents with this application.

You must give USCIS copies of documents to prove you are a national of the country designated for TPS, your date of entry into the United States, and your U.S. residence. In addition:

- A. In certain circumstances, USCIS may ask you to submit original documents.
- B. Copies of documents in a foreign language must be accompanied by an English translation. The translator must certify that the translation is accurate and that he or she is competent to translate the foreign language into English.
- C. **Documentation exception:** If you are filing this application for annual registration, re-registration, or renewal of temporary treatment benefits (**Parts 1 and 2** on Form I-821), you do not have to submit any copies of documentation. You may, however, be asked for additional information and/or documentation in certain circumstances.

3. What Documents Do You Need to Prove Identity and Nationality?

Submit any of the following:

- A. Passport;
- B. Birth certificate accompanied by photo identification;
or
- C. Any national identity document from your country of origin bearing your photo and/or fingerprint.

4. What Documents Do You Need to Prove Date of Entry Into the United States?

Submit any of the following documents:

- A. Passport;
- B. I-94 Arrival/Departure Record; or
- C. Copies of documents specified in item **Number 5** below.

5. What Documents Do You Need to Prove Residence in the United States?

Submit any relevant documents such as:

- A. Employment records (e.g., pay stubs, W-2 Forms, certification of the filing of Federal income tax returns, state verification of the filing of state income tax returns, letters from employer(s) or, if you are self employed, letters from banks and other firms with whom you have done business.

NOTE: In all of these documents, your name and the name of the employer or other interested organization must appear on the form or letter, as well as relevant dates. Letters from employers must be in affidavit form and shall be signed and attested to by the employer under penalty of perjury.

Such letters must include: **(1)** your address(es) at the time of employment; **(2)** exact period(s) of employment; **(3)** period(s) of layoff; **(4)** duties with the company. If the employment records are unavailable, submit an affidavit form-letter explaining why these records cannot be obtained. This affidavit form-letter shall be signed and attested to by the employer under penalty of perjury.

- B. Rent receipts, utility bills (gas, electric, phone, etc.), receipts, or letters from companies showing the dates during which you received service.
- C. School records (letters, report cards, etc.) from the schools that you or your children have attended in the United States, showing the name(s) of the schools and periods of school attendance.
- D. Hospital or medical records concerning treatment or hospitalization of you or your children, showing the name of the medical facility or physician and the date(s) of the treatment or hospitalization.

E. Attestations by churches, unions or other organizations to your residence identifying you by name. The attestation must be signed by an official (whose title is shown); show inclusive dates of membership; state the address where you resided during membership period(s); include the seal of the organization impressed on the letter or the letterhead of the organization, if the organization has letterhead stationery; establish how the author knows you; and establish the origin of the information being attested to.

F. Additional documents may include money order receipts for money sent in or out of the country; passport entries; birth certificates of children born in the United States; dated bank transactions; correspondence between you and another person or organization; U.S. Social Security card; Selective Service card; automobile license receipts, title, vehicle registration, etc.; deeds, mortgages, contracts to which you have been a party; tax receipts; insurance policies; receipts; letters; or

G. Any other relevant document.

6. What If Documents Are Not Available?

If documents are not available, you may give USCIS an affidavit showing proof of unsuccessful efforts to obtain the documents, explaining why the consular process is unavailable (for identity documents), and affirming that you are a national of the designated state. (USCIS may require a statement from the appropriate issuing authority, certifying that the document is not available.) Affidavits may also be used to help prove your date of entry into the United States and residence in the United States.

7. Will TPS Applicants Need to Provide Fingerprints and Photographs?

- Except as noted below, all applicants for initial registration, re-registration or renewal of temporary treatment benefits will have a full set of biometrics (fingerprints, photograph, and a signature) collected at an Application Support Center (ASC), and must submit the **\$70.00** biometrics services fee.
- TPS applicants under 14 years of age who are not filing for an EAD are exempt from biometrics collection and the associated biometrics fee.
- USCIS may, in its discretion, waive the collection of certain biometrics such as fingerprints and signatures.

If the Federal Register notice announcing the designation or extension of a particular country requires photos to be submitted with the application, attach two standard passport-style color photos of you taken within 30 days of submission of this application. The photos should be 2x2 inches in size and have a

white background. The photos should be glossy and not retouched or mounted. The dimension of the facial image should be about 1 inch to 1 3/8 inches from the chin to the top of the hair in a full frontal view. Using a pencil or felt pen, lightly print your name and Alien Registration Number (A#), if any, on the back of the photographs.

8. How Should You Prepare This Form?

- A. Type or print legibly in black ink.
- B. If you need extra space to complete any item, attach a continuation sheet, indicate the item number and date and sign each sheet.
- C. Answer all questions fully and accurately. If any item does not apply, please write "N/A."

9. Where Should You File This Form?

The USCIS office having jurisdiction over your place of residence will accept this application, either in person or through the mail, or both. For filing instructions, please inquire by calling the USCIS National Customer Service Center at **1-800-375-5283**.

10. What Is the Fee?

- A. An initial (i.e., first-time) applicant must submit:
 1. A **\$50.00** application fee for the Form I-821; and
 2. A **\$70.00** fee for biometric services, including fingerprints, photograph and signature, if required. (See **No. 7**, Will TPS applicants need to provide fingerprints and photographs?); and
 3. A **\$175.00** fee for the Form I-765, Application for Employment Authorization, if you are between the ages of 14 and 65 years and seeking employment.
- B. An applicant for TPS re-registration or renewal of temporary treatment benefits must submit:
 1. A **\$70.00** fee for biometric services, including fingerprint, photograph and signature, if required (see **No. 7**, Will TPS applicants need to provide fingerprints and photographs?); and
 2. A **\$175.00** fee for the Form I-765, Application for Employment Authorization, if you wish to apply for employment authorization.
- C. The fee must be submitted in the exact amount. It cannot be refunded. **Do Not Mail Cash.** All checks and money orders must be drawn on a bank or other institution located in the United States and must be payable in United States currency. Please assure that if a check or money order is drawn on the account of a person other than yourself, your name appears in the lower left corner on the face of the check or money order. If the check is not honored, USCIS will charge you \$30.00.

Make the check or money order payable to the **Department of Homeland Security**, except:

1. If you live in Guam and are filing your application there, make the check or money order payable to "Treasurer, Guam" or;
2. If you live in the U.S. Virgin Islands and you are filing your application there, make the check or money order payable to "Commissioner of Finance of the Virgin Islands."

NOTE: When preparing a check or money order, spell out Department of Homeland Security. Do not use the initials "USDHS" or "DHS."

11. Are You Also Required to File Form I-765, Application for Employment Authorization?

- A.** Yes. Each applicant, regardless of age, must also submit a completed Form I-765, even if employment authorization is not being requested.

If your application for TPS is granted and you want to travel outside the United States and return, you must request advance parole from USCIS by filing a Form I-131, Application for Travel Document, with the appropriate USCIS office. A Form I-512 travel document will be issued to you if your request is granted.

- B.** As noted in **No. 10, What Is the Fee?**, only those applicants requesting employment authorization must pay the fee for Form I-765.

12. May the Filing Fees for Forms I-821 and I-765 Be Waived?

Yes. If you are unable to pay the filing fees, 8 CFR 103.7(c) states that you may apply for a waiver of the filing fees. In order to obtain a fee waiver, you must submit with these forms a written statement, made under oath, affirmation, or pursuant to 28 USC 1746, under penalty of perjury. In the written statement you must state that you believe you are eligible for TPS and that you want the filing fees waived. You must also explain why you are unable to pay the required fees.

13. What If I Change My Address?

If you change your address after filing for TPS, you must complete and mail us a Form AR-11, Alien's Change of Address Card. Enclose the AR-11 in an envelope addressed to the office having jurisdiction over your residence. Include copies of your application and any USCIS documents or correspondence relating to your case.

NOTE: If you informed your U.S. Post Office but not USCIS about your address change, please be advised that the Postal Service will not forward USCIS mail to you. The mail will be returned to USCIS as undeliverable.

14. What Is Our Authority for Collecting This Information?

We request the information on the form to carry out the immigration laws contained in Title 8, United States Code, Section 1154(a). We need this information to determine whether you are eligible for immigration benefits.

The information you provide may also be disclosed to other federal, state, local, and foreign law enforcement and regulatory agencies. You do not have to give this information. However, if you do not give some or all of the requested information, your application may be denied.

15. Do You Need Information or USCIS Forms?

For information on immigration laws, regulations and procedures and to order USCIS forms, call our National Customer Service Center at **1-800-375-5283** or visit our internet website at **www.uscis.gov**.

16. Reporting Burden.

Under the Paperwork Reduction Act, an agency may not conduct or sponsor an information collection. A person is not required to respond to an information collection unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can easily be understood and impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. The estimated average time to complete this application is 1 hour and 30 minutes computed as follows: 1) learning about the form and understanding the instructions, 30 minutes; 2) collecting the necessary supporting documents 15 minutes; 3) completing the form, 15 minutes; and 4) traveling to and waiting at a preparer's office (e.g. attorney or voluntary agency), 30 minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the U.S. Citizenship and Immigration Services, Regulatory Management Division 111 Massachusetts Avenue N.W., Washington, DC 20529; OMB No. 1615-0043. **Do not mail your completed application to this address.**

I-821, Application for Temporary Protected Status

START HERE - Please type or print in black ink.

FOR USCIS USE ONLY

Part 1. Type of application. (check one)

- a. This is my first application to register for Temporary Protected Status (TPS).
- b. This is my application for re-registration or renewal of temporary treatment benefits. I have previously been granted TPS or temporary treatment benefits. I have maintained and continue to maintain eligibility for TPS.

Part 2. Information about you.

Family Name (Last Name)	Given Name (First Name)	Full Middle Name
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

U.S. Mailing Address: (Street Number and Name) Apt. #

C/O: (In Care Of)

Town/City	State
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

County	Zip Code
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Date of Birth (mm/dd/yyyy)	Gender
<input style="width: 95%;" type="text"/>	<input type="checkbox"/> Male <input type="checkbox"/> Female

Place of Birth (Town or City)	State/Country
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Country of Residence	Country of Citizenship/Nationality
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Marital Status

Single Married Divorce Widowed

Other Names Used (including maiden name)

Date of Entry Into the U.S. (mm/dd/yyyy)	Place of Entry Into the U.S.
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Manner of Arrival (Visitor, student, stowaway, without inspection, etc.)

Arrival/Departure Record (I-94) Number	Date authorized stay expired/or will expire, as shown on Form I-94 or I-95 (mm/dd/yyyy)
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Your Current Immigration Status:

In Status (state nonimmigrant classification, e.g. F-1, etc.)	Out of Status (state nonimmigrant violation, e.g., overstay student, EWI etc.)
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Alien Registration Number (A#) (if any)	U.S. Social Security Number (if any)
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Are you now or have you ever been under immigration proceedings?

Yes No

If you answered "Yes" to the above question, provide the following information.

Type of proceedings:

Exclusion Removal/Deportation Recission Judicial Proceedings

Location of Proceedings	Date of Proceedings (mm/dd/yyyy)
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Returned	Receipt
Date	
Date	
Resubmitted	
Date	
Date	
Reloc Sent	
Date	
Date	
Reloc Rec'd	
Date	
Date	
<input type="checkbox"/> Applicant Interviewed on _____	

Case ID #:

A #:

Remarks

Action Block

To Be Completed By

Attorney or Representative, if any.

Fill in box if G-28 is attached to represent the applicant.

ATTY State License #

Part 3. Information about your spouse and children. (if any)

1. Provide the following information about your spouse (if married).

Last Name of Spouse	First Name	Middle Name	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Address (Street Number and Name)			Apt #
<input type="text"/>			<input type="text"/>
Town/City	State/Province	Country	Zip/Postal Code
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Your Spouse's Birth Date (mm/dd/yyyy)	Date and Place of Present Marriage		
<input type="text"/>	<input type="text"/>		
Name of Prior Husbands/Wives	Date(s) Marriage(s) Ended (mm/dd/yyyy)		
<input type="text"/>	<input type="text"/>		

2. List the names, ages and current residence of children (if any).

Name (First/Middle/Last)	Date of Birth(mm/dd/yyyy)	Residence
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

Part 4. Eligibility standards.

1. Provide the following information:

I am a national of, or an alien having no nationality, who last habitually resided in the foreign state of:

I entered the United States on the following date (provide month/day/year), and have resided in the United States since that time.

2. To be eligible for Temporary Protected Status, you must be admissible as an immigrant to the United States, with certain exceptions.

If any of the questions beginning below on this page and continuing on **Page 3** apply to you, number which one(s) in the box(es): (for example, 2k for— Have you entered the United States as a stowaway;) and include a full explanation on a separate sheet(s) of paper. Use the number **2** before each letter referring to the specific question (2a, 2b, etc.).

If you were ever arrested, provide the disposition (outcome) of the arrest. For example, "case dismissed" from the appropriate authority.

NOTE: For information about waivers concerning the grounds of inadmissibility, see **Page 3**.

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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2a. Have you been convicted of any felony or two or more misdemeanors committed in the United States;

- 2b.** (i) Have you ordered, incited, assisted or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group or political opinion;
- (ii) Have you been convicted by a final judgment of a particularly serious crime, constituting a danger to the community of the United States (an alien convicted of an aggravated felony is considered to have committed a particularly serious crime);
- (iii) Have you committed a serious nonpolitical crime outside of the United States prior to your arrival in the United States; or
- (iv) Have you engaged in or are you still engaged in activities that could be reasonable grounds for concluding that you are a danger to the security of the United States?

Part 4. Eligibility standards. (Continued)

- 2c. (i) Have you been convicted of, or have you committed acts which constitute the essential elements of a crime (other than a purely political offense) or a violation of or a conspiracy to violate any law relating to a controlled substance as defined in Section 102 of the Controlled Substance Act;
- (ii) Have you been convicted of two or more offenses (other than purely political offenses) for which the aggregate sentences to confinement actually imposed were five years or more;
- (iii) Have you trafficked in or do you continue to traffic in any controlled substance or are or have been a knowing assister, abettor, conspirator, or colluder with others in the illicit trafficking of any controlled substance;
- (iv) Have you engaged or do you continue to engage solely, principally, or incidentally in any activity related to espionage or sabotage or violate any law involving the export of goods, technology, or sensitive information, any other unlawful activity, or any activity the purpose of which is in opposition, or the control, or overthrow of the government of the United States;
- (v) Have you engaged in or do you continue to engage in terrorist activities;
- (vi) Have you engaged in or do you continue to engage or plan to engage in activities in the United States that would have potentially serious adverse foreign policy consequences for the United States;
- (vii) Have you been or do you continue to be a member of the Communist or other totalitarian party, except when membership was involuntary; and
- (viii) Have you participated in Nazi persecution or genocide;
- 2d. Have you been arrested, cited, charged, indicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic violations, or been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action;
- 2e. Have you committed a serious criminal offense in the United States and asserted immunity from prosecution;
- 2f. Have you within the past ten years engaged in prostitution or procurement of prostitution or do you continue to engage in prostitution or procurement of prostitution;
- 2g. Have you been or do you intend to be involved in any other commercial vice;
- 2h. Have you been excluded and deported from the United States within the past year, or have you been deported or removed from the United States at government expense within the last five years (20 years if you have been convicted of an aggravated felony);
- 2i. Have you ever assisted any other person to enter the United States in violation of the law;
- 2j. (i) Do you have a communicable disease of public health significance.
- (ii) Do you have or have you had a physical or mental disorder and behavior (or a history of behavior that is likely to recur) associated with the disorder which has posed or may pose a threat to the property, safety or welfare of yourself or others;
- (iii) Are you now or have you been a drug abuser or drug addict;
- 2k. Have you entered the United States as a stowaway;
- 2l. Are you subject to a final order for violation of section 274C (producing and/or using false documentation to unlawfully satisfy a requirement of the Immigration and Nationality Act);
- 2m. Do you practice polygamy;
- 2n. Were you the guardian of, and did you accompany another alien who was ordered excluded and deported (or removed) from the United States;
- 2o. Have you detained, retained, or withheld the custody of a child, having a lawful claim to United States citizenship, outside the United States from a United States citizen granted custody?

NOTE ABOUT WAIVERS: If you placed any of the following numbered references in the boxes on Page 2, you may be eligible for a waiver of the grounds described in the questions: 2e; 2f; 2g; 2h; 2i; 2j; 2k; 2l; 2m; 2n or 2o. The Form I-601 is the CIS application used to request a waiver. The form is available at local CIS offices, on our website at www.uscis.gov or by calling the CIS toll-free forms line at 1-800-870-3176.

Part 5. Signature.

*Read the information on penalties in the instructions before completing this section. If someone helped you prepare this petition, he or she must complete **Part 6**.*

Your certification: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Copies of documents submitted are exact photocopies of unaltered original documents and I understand that I may be required to submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from my records that the U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit that I am seeking.

Signature**Daytime Phone Number** (Area/Country Code)**Date** (mm/dd/yyyy)

NOTE: If you do not completely fill out this form or fail to submit required documents listed in the instructions, you may not be found eligible for the requested benefit and this petition may be denied.

Part 6. Signature of person preparing form, if other than above.

I declare that I prepared this petition at the request of the above person and it is based on all information of which I have knowledge.

Attorney or Representative: In the event of a Request for Evidence (RFE), may USCIS contact you by Fax or E-Mail? Yes No

Signature**Print Your Name****Date** (mm/dd/yyyy)**Firm Name and Address****Daytime Phone Number** (Area/Country Code)**Fax Number** (Area/Country Code)**E-Mail Address**

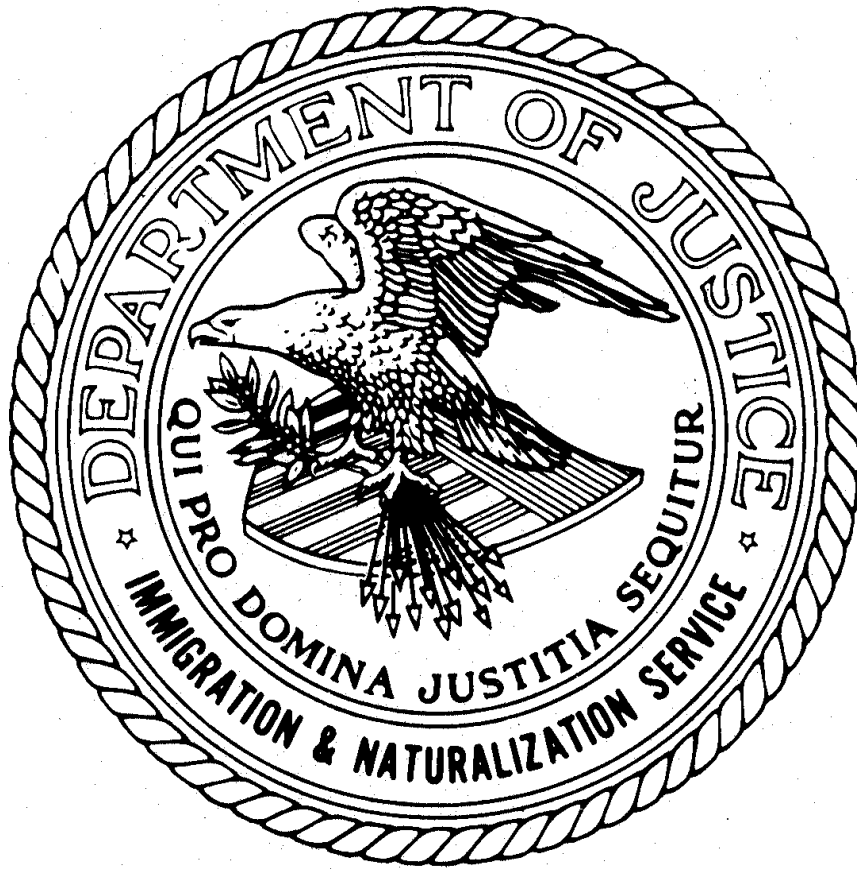
Part 7. Checklist.

- Did you answer each question?
- Did you sign the Form I-821 application?
- Did you submit the required application and biometric services (fingerprinting) fees?
- Did you submit the necessary documents and photos, if so required?
- Did you also submit the Form I-765 with the filing fee or a written request for a waiver of the filing fee (See instructions, items **10**, **11** and **12**)?

Have you submitted:

- The filing fee for this application or a written request for a waiver of the filing fee (see instructions, items **10** and **12**)?
- Supporting evidence to prove identity, nationality, date of entry and residence?
- Other required supporting documents (photos, etc.) for each application?

Application for Employment Authorization



Application for Employment Authorization

Instructions for Application for Employment Authorization

The Immigration and Naturalization Service (INS) recommends that you retain a copy of your completed application for your records.

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Part 2. Eligibility Categories.

The INS 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 the 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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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 the INS 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, a Conditional Resident, or a 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 the INS 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.

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 the INS 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.

Asylee/Refugee Categories

Refugee--(a)(3). File your EAD application 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.

Paroled as a Refugee--(a)(4). File your EAD application with a copy of your Form I-94, Departure Record.

Asylee (granted asylum)--(a)(5). File your EAD application with a copy of the INS 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.

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 with INS--(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 INS.

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 INS:

- If you are filing a Form I-881 with INS, 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 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 the INS, 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; Form I-538, Certification by Designated School Official, and any evidence you wish to submit, such as affidavits, which detail the unforeseen economic circumstances that cause your request, and evidence 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-538, Application by Nonimmigrant Student for Extension of Stay, School Transfer, or Permission to Accept or Continue Employment, 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 Department of State (DOS). The 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 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.

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 (4) years; and
 - Evidence that he or she has employed you as a domestic servant abroad for at least six (6) 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 you are a spouse of a principal E-1/E-2, such as your 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 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 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 adjustment under (c)(9).

K-3 Nonimmigrant Spouse of 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. The INS may take up to 90 days from the date upon which 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 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. INS will adjudicate this application after adjudicating your application for V status.

EAD Applicants Who Have Filed For Adjustment of Status

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 is pending.

Other

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

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 which 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). We encourage you 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 the INS, you must also submit:

- A copy of Form I-94 Departure Record (front and back), if available.
- A copy of your last EAD (front and back).
- 2 photos with a white background taken no earlier than 30 days before submission to the INS. They should be unmounted, glossy, and unretouched. The photos should show a three-quarter front profile of the right side of your face, with your right ear visible. 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 1½ X 1½ inches, with the distance from the top of the head to just below the chin about 1¼ inches. Lightly print your 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 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. If you file your EAD application early, it will be denied. File your EAD application with:*

- A copy of the INS acknowledgement mailer which was mailed to you; or
- Other evidence that your Form I-589 was filed with the INS; or
- Evidence that your Form I-589 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 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 your EAD application at any time; however, it will only be granted if the INS 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 INS receipt notice; or
- A copy of the INS 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 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:

- 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 asylum application (Form I-589) on file either with INS 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 INS 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 INS 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

Applicants must pay a fee of **\$120** to file this form 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 "**Immigration and Naturalization Service.**" 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:

- (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:

- (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:

- (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).

The INS 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, in adjudicating fee waiver requests for employment authorization applications requiring a fee.

Part 5. Where to File

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

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

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

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

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

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

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

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

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

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

If your response to question 16 is: **(a)(10), (c)(11), (c)(12), (c)(14), (c)(16), (c)(18)**,

apply at the local INS office having jurisdiction over your place of residence.

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 the 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)**, file your application at the same local INS office or Service Center where you submitted your adjustment of status application.

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 in which 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.	INS Service Center 75 Lower Welden Street St. Albans, VT 05479-0001
Arizona Guam Nevada	California Hawaii	INS 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	INS Service Center P.O. Box 851041 Mesquite, TX 75185-1041
Alaska Idaho Indiana Kansas Minnesota Montana North Dakota Oregon Utah Wisconsin	Colorado Illinois Iowa Michigan Missouri Nebraska Ohio South Dakota Washington Wyoming	INS Service Center P.O. Box 87765 Lincoln, NE

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

INS 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:

INS 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.

If your response to question 16 is **(c)(10)** and you are not **eligible to apply for NACARA 203 relief with INS**, but you are eligible for other deportation or removal relief, apply at the local INS office having jurisdiction over your place of residence.

Part 6. Processing Information

Acceptance. If your application is complete and filed at an INS 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 the INS accepts it.

Approval. If approved, your EAD will either be mailed to you or you may be required to appear at your local INS office to pick it up.

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.

Interim EAD. If you have not received a decision within 90 days of receipt by the INS 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 INS district office. You must bring proof of identity and any notices that you have received from the INS in connection with your application 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 deportable 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 INS investigations.

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 Immigration and Naturalization Service (INS) 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 twenty-five (25) minutes per response, including the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information. The INS welcomes your comments regarding this burden estimate or any other aspect of this form, including suggestions for reducing this burden to Immigration and Naturalization Service, HQPDI, 425 I Street, N.W., Room 4034, Washington, DC 20536; OMB No. 1115-0163. **DO NOT MAIL YOUR COMPLETED APPLICATION TO THIS ADDRESS.**

