

GUIDE FOR INITIAL WORK AUTHORIZATION BASED ON A PENDING ASYLUM APPLICATION

Applying for an Employment Authorization Document (EAD) using Form I-765, Application for Employment Authorization on your own may seem daunting. However, we have confidence that with a little guidance and knowledge from us, you will be able to do this without a problem. Over the next few pages, we will show you how you can do this on your own to be submitted by mail.

This guide is specifically for individuals who have a pending asylum application. You qualify to apply for an EAD if:

- (a) You have submitted Form I-589 Application for Asylum and Withholding of Removal to the Immigration Court or to USCIS,
- (b) You have not been convicted of an aggravated felony, and
- (c) More than 150 days have passed since the Immigration Court or USCIS received your asylum application.

Fee

There is no fee for the initial Employment Authorization Document for asylum applicants.

Step 1: Check your asylum clock.

- Per 8 CFR 208.7(a)(1), an asylum applicant may be granted an EAD no sooner than 180 days after filing their asylum application though the applicant can send in their application for an EAD after 150 days. The “asylum clock” starts running the day the application is filed with the adjudicating entity—Immigration Court or U.S. Citizenship and Immigration Services (USCIS).
 - I filed for asylum with an immigration court: For asylum applicants in removal proceedings, they must file their asylum application with the Immigration Court that has jurisdiction over their case (and, until December 2024, a copy of the first three pages of the asylum application with USCIS for biometric collection purposes), according to the instructions provided in court. You can check the number of days on your “asylum clock” by calling the court’s automated system directly at (800) 898-7180, entering your A#, and then selecting option 2 after the automated system confirms your name and A#. Unfortunately, the “asylum clock” has special rules that may result in the clock being stopped permanently or temporarily before 180 days. For example, missing a biometrics appointment, requesting a hearing/interview be rescheduled, and asking for more time to find an attorney are just some of the reasons why the “asylum clock” could stop. It will only restart, if at all, when your individual hearing is scheduled. If you have further questions about the clock, please speak with an attorney who specializes in asylum law.
 - I filed for asylum with USCIS: For asylum applicants who are not in removal proceedings, they must file their asylum application directly with USCIS, according to the instructions on USCIS’ website. There is no phone number to call USCIS to count the days on your “asylum clock.” If you have not missed your biometrics appointment, it is likely that the “asylum clock” will reach 180 days.

Step 2: Collect documents

You will need a few documents. These include:

- Current photo identification. This could be your passport, driver’s license, state ID, or even, I-220A, Order of Release on Recognizance. If you do not have photo identification, include a copy of your birth certificate, along with a translation.
- Form I-765, Application for Employment Authorization. Please print this single-sided form from the USCIS website at www.uscis.gov/i-765. Do not use previous editions as USCIS will not accept those.

- Two, 2" x 2" passport photos. You can have your photo taken at almost any pharmacy or big box store (e.g. CVS, Walgreens, Wal-Mart, Target, etc.). It is recommended that you write your A# on the back of each photo.
- Proof of pending asylum application. (See Appendix for examples).

Step 3: Accurately complete Form I-765, Application for Employment Authorization

Form I-765, Application for Employment Authorization asks several questions. Do your best to answer these questions as truthfully and completely as possible. This guide relies on Form I-765, Edition 08/28/2024. The edition date is located in the bottom left corner of the Form. You can type your answer in a PDF, write your answer using a black pen, or have a hybrid application that is typed in some fields and handwritten in others.

In Part 1, check the box next to 1.a. "Initial permission to accept employment."

In Part 2, the form asks for additional information about you.

- Please include all variations of names that you have used for legal purposes, including misspellings.
- For your mailing address, please make sure to use a secure address as this will be where USCIS mails your correspondence, including the EAD. If you expect to move within the next three to twelve months, please use an address where you will be able to retrieve mail, even after your move.
- You probably already have Alien Registration Number (A-Number). This may be called a File Number on your immigration documents. It is typically nine digits, likely beginning with the number 2.
- Skip USCIS Online Account Number
- Answer the questions about your gender and marital status
- Check "No" to Question 12 if this is the first time you are applying for Employment Authorization in the United States
- Assuming this is the first time you are applying for Employment Authorization in the United States, you will also need to check "No" to Question 13.a. about the Social Security Administration issuing you a number previously.
- Check "Yes" to Questions 14 and 15.
- Add your parents' full names in Questions 16 and 17, along with your country/countries of nationality to Question 18
- Answer the questions about where and when you were born on page three.

- In the section labeled *Information About Your Last Arrival in the United States*, please keep in mind

- Question 21a. Form I-94 Arrival-Departure Record Number (if any).
 - If you entered using the CBP One™ App or after an I-131, Application for Travel Document on the basis of humanitarian parole was approved, you will have an I-94. To find this, please visit <https://i94.cbp.dhs.gov>
 - It is also possible that you received a paper I-94 with a parole stamp.
 - If you do not have an I-94 or do not, leave this blank
- Questions 21b-21e. Please complete, where applicable, to the best of your ability. Generally, if you have a passport, you do not also have a travel document, and vice versa. If none, leave blank
- Question 22. Write the date you last entered the United States
- Question 23. If you do not recall the exact location, please complete to the best of your ability. Even writing just a state is sufficient. Of course, if you don't know or cannot recall, you can leave it blank.
- Question 24. Write you immigration status at last arrival, which could be "no status"
- Question 25. Write your current immigration status, which may also be "no status"
- Question 26. Skip.

- In the section labeled *Information About Your Eligibility Category*, please keep in mind

- Question 27. Please write in (c)(8)() the basis for why you are eligible
- Skip questions 28 to 29.
- Question 30. Check "No" if you have never been arrested for and/or convicted of any crimes. If you have been arrested and/or convicted of a crime, you may need to provide more documentation to prove your eligibility. Being detained upon entry and minor traffic matters (like speeding) do not count. It's probably best to discuss with an attorney if you check "yes." When that happens, you will need to provide details on the final (supplemental) page of the application and attach police records and certified court documents.
- Skip question 31.

Information About Your Last Arrival in the United States

21.a. Form I-94 Arrival-Departure Record Number (if any)

21.b. Passport Number of Your Most Recently Issued Passport

21.c. Travel Document Number (if any)

21.d. Country That Issued Your Passport or Travel Document

21.e. Expiration Date for Passport or Travel Document (mm/dd/yyyy)

22. Date of Your Last Arrival Into the United States, On or About (mm/dd/yyyy)

23. Place of Your Last Arrival Into the United States

24. Immigration Status at Your Last Arrival (for example, B-2 visitor, F-1 student, or no status)

25. Your Current Immigration Status or Category (for example, B-2 visitor, F-1 student, parolee, deferred action, or no status or category)

26. Student and Exchange Visitor Information System (SEVIS) Number (if any)

You have done the hard work. Now, let's finish up with Part 3.

- Please select whether you understand English OR used an interpreter in Question 1.a., 1.b.
- Add your phone number to Question 3
- Add your email address (if any) to Question 5

- Sign in the box in Question 7a and date in box 7b
- If you used an interpreter, that person must complete Part 4
- If there is any information that you were unable to fit in the first pages of the application, you can supplement on the final page. For example, you might have used multiple names that don't fit in Part 2

Step 3: Assemble your I-765, Application for Employment Authorization packet, with a cover letter

Your goal, in every interaction with USCIS, is to make it as easy as possible for the officer reviewing your filing to agree with you. That is why we encourage you to create and include a cover letter. This will not only help the officer agree that you are eligible for employment authorization, but also help you organize your documents. Here is a sample cover letter:

<p>DATE</p> <p>USCIS ADDRESS [SEE BELOW]</p> <p>Re: Your name (A### ### ###) I-765, Application for Employment Authorization</p> <p>Dear Officer</p> <p>I hope this packet finds you well. I am applying for employment under 8 CFR 274a.12(c)(8) as an asylum applicant. Enclosed, please find the following items:</p> <ul style="list-style-type: none"> (1) I-765, Application for Employment Authorization (2) Copy of my identification (3) Copy of evidence showing that I applied for asylum (4) Two passport-sized photos <p>Should this filing be insufficient, please allow me to supplement before reaching a final decision. Thank you in advance for your assistance.</p> <p>Sincerely,</p> <p>[signature] Your name</p>
--

It is recommended that you write your A number on the back of your two 2" x 2" passport-style photos. Put them inside a small envelope and add it to your packet.

Step 4: Photocopy

Photocopy the entire packet for your own records. Note that USCIS cannot easily process double-sided filings so if you have this prepared as a double-sided document, photocopy to single-sided and submit the single-sided version. No staples.

Step 4: Mail

Mail your packet to the address listed on the USCIS website section, Direct Filing Addresses for Form I-765, Application for Employment Authorization: <https://www.uscis.gov/i-765-addresses>. We recommend that you use some form of tracking to confirm that your packet arrived. A receipt from USCIS can take anywhere from one to twelve weeks.

Right now, the addresses for (c)(8) filings are as follows:

If you send it with U.S. Postal Service (USPS):	If you send it with FedEx, UPS, or DHL:
USCIS Attn: I-765 C08 P.O. Box 650888 Dallas, TX 75265-0888	USCIS Attn: I-765 C08 (Box 650888) 2501 S State Hwy. 121 Business Suite 400 Lewisville, TX 75067-8003

APPENDIX

(a) USCIS I-589 Receipt Notice

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-797C, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

Receipt Number Your Receipt Number	Case Type 1589 - APPLICATION FOR ASYLUM AND FOR WITHHOLDING OF REMOVAL
Received Date	Application Your A number
Priority Date	Page 1 of 1
Notice Date	Notice Type: Receipt Notice

We have mailed an official notice about this case (and any relevant documentation) according to the mailing preferences you chose on Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. This is a courtesy copy, not the official notice.

What the Official Notice Said

*** ACKNOWLEDGEMENT OF RECEIPT ***

The date your application was received

Your complete Form I-589 Application for Asylum and Withholding of Removal was received and is pending as of [redacted]. You may remain in the U.S. until your asylum application is decided. If you wish to leave while your application is pending, you must obtain advance parole from USCIS. If you change your address, send written notification of the change within 10 days to the Asylum Office at the below address or using the USCIS Online Change of Address system at <https://egov.uscis.gov/coalapp/COA/Form.do>. You will receive a notice informing you when you and those listed on your application as a spouse or child dependents must appear at an Application Support Center for biometrics collection. You will also receive a notice informing you when you and those listed on your application as a spouse or dependents must appear for an asylum interview. Those notices will contain instructions for what to bring to your ASC appointment and what to bring to your asylum interview.

WARNING: Failure to appear at the ASC for biometrics collection or for your asylum interview may affect your eligibility for employment authorization, and may also result in the dismissal of your asylum application or referral of your asylum application to an immigration judge.

Alien Number: [redacted] Name: [redacted]

Arlington Asylum Office
U.S. CITIZENSHIP & IMMIGRATION SVC
1175 Wilson Boulevard, Suite 300
MS 2500
Arlington VA 22209-2500
USCIS Contact Center: www.uscis.gov/contactcenter

Form I-797C 04/01/19

(b) I-589 with Immigration Court receipt stamp

COPY I-589, Application for Asylum and for Withholding of Removal

Department of Homeland Security
U.S. Citizenship and Immigration Services
U.S. Department of Justice
Division of Immigration Review

IT IS NOT RIGHT: Type or print in black ink. See the instructions for information about eligibility and how to complete and file this application. There is no filing fee for this application.

NOTE: Check this box if you also want to apply for withholding of removal under the Convention Against Torture.

Part A.I. Information About You

1. Alien Registration Number(s) (A-Number) (if any) 2. U.S. Social Security Number (if any) 3. USCIS Online Account Number (if any)

4. Complete Last Name 5. First Name 6. Middle Name

7. What other names have you used (include maiden name and aliases)?

8. Residence in the U.S. (where you physically reside)

Street Number and Name Apt. Number

City State Zip Code Telephone Number

(NOTE: You must be residing in the United States to submit this form.)

9. Mailing Address in the U.S. (if different than the address in Item Number 8)

Street Number and Name Telephone Number

City State Zip Code Apt. Number

10. Gender Male Female 11. Marital Status Single Married Divorced Widowed

12. Date of Birth (month/day/year) 13. City and Country of Birth

14. Present Nationality (Citizenship) 15. Nationality at Birth 16. Race, Ethnic, or Tribal Group 17. Religion

18. Check the box, a through c, that applies: a. I have never been in Immigration Court proceedings. b. I am now in Immigration Court proceedings. c. I am not now in Immigration Court proceedings, but I have been in the past.

19. Complete *IF a through c*

a. When did you last leave your country? (month/day/year) b. What is your current I-94 Number, if any?

c. List each entry into the U.S. beginning with your most recent entry. List date (month/day/year), place, and your status for each entry. (Attach additional sheets as needed.)

Date: 05/01/2023 Place: Status: Date Status Expires

20. What country issued your last passport or travel document? 21. Passport Number 22. Expiration Date (month/day/year)

23. What is your native language (include dialect, if applicable)? 24. Are you fluent in English? 25. What other languages do you speak fluently? Spanish Yes No

For EOR use only: For USCIS use only: For ARJ use only: For DHS use only:

Approved Date: _____
Interview Date: _____
Asylum Officer ID No.: _____
Denial Date: _____
Refusal Date: _____

Form I-589 Edition 03/01/13