GUIDE TO FILING FORM I-765, APPLICATION FOR EMPLOYMENT AUTHORIZATION

TPS holders and Parolees under the Processes for Cubans, Haitians, Nicaraguans, and Venezuelans

Rev. July 27, 2023

WHO ARE WE

- City on a Hill Legal Ministry is a non-denominational Christian nonprofit organization devoted to reflecting God's love and compassionate heart for the foreigner.

- We make it our aim to reflect this love in tangible ways by serving the immigrant community of the Miami metropolitan area with free legal, educational and community support services.

- This guide is one of the tangible ways we are looking to serve our community.

- It is only because God first loved us that we can share His love with others!

- "God shows his love for us in that while we were still sinners, Christ died for us." Romans 5:8

DISCLAIMER

- This is a general guide to help you complete Form I-765 in order to obtain authorization to work in the U.S. It is not an exhaustive guide to everything you need to know about Form I-765.

- It is your responsibility to make sure that your Form I-765 is completed correctly in its entirety (with the required evidence) and filed in a timely manner.

- <u>This guide is for informational purposes only and does not constitute legal advice</u>. Following this guide does not guarantee approval of your Form I-765 by the U.S. Citizenship and Immigration Services ("USCIS").

- For more information on how to complete the form, see the instructions on the following **USCIS** website: https://www.uscis.gov/i-765.

- This guide is based on the online form published by **USCIS** as of July 27, 2023, but this form may change or there may be updates to the form in the future.

THIS GUIDE COVERS...

- What is Form I-765?

- Who can submit Form I-765 online?

- Completing the form online.

- What is a Social Security Number?

- Filing fees.

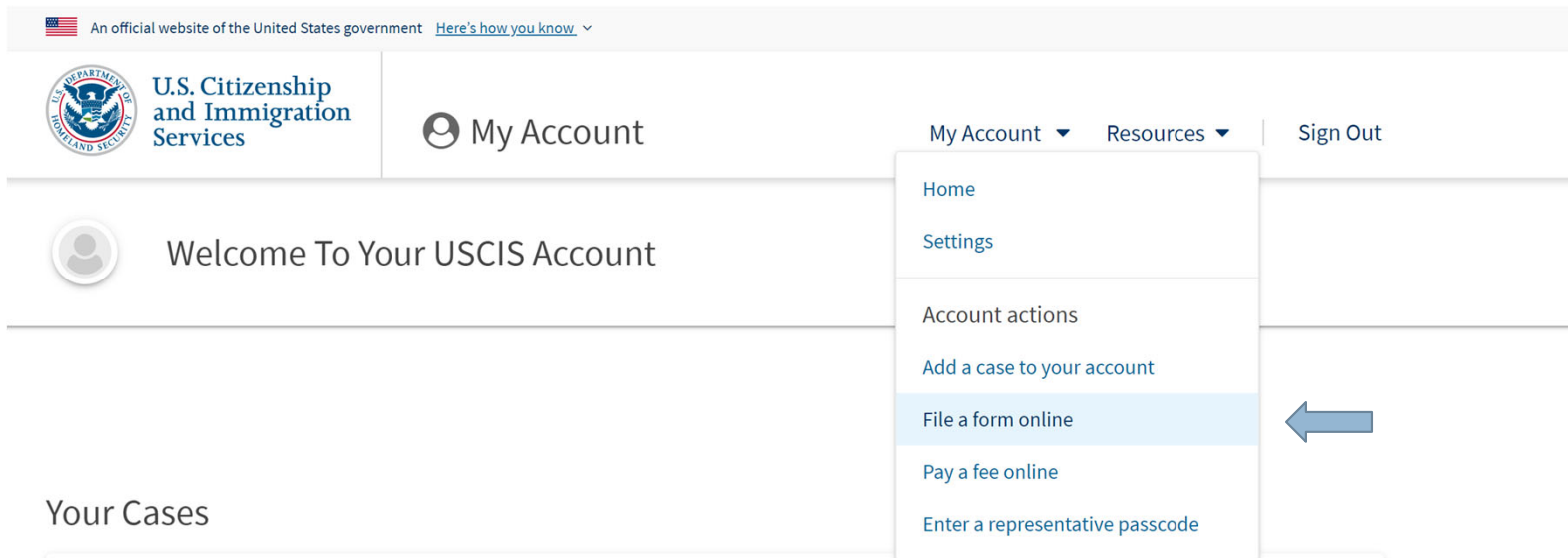- What to expect after submitting.

- Possible outcomes.

WHAT IS FORM I-765?

- You must have permission to legally work in the United States, which depends on your immigration status.

- U.S. employers must verify that all employees are allowed to work in the country.

- TPS holders and parolees under the processes for Cubans, Haitians, Nicaraguans, and Venezuelans, may apply for work authorization by filing Form I-765 (Application for Employment Authorization).

- Important: This guide is not for any type of parolee but only for persons under the processes listed above where a supporter has petition for you to come from outside the U.S. o the country in a safe and orderly manner. Visit the USCIS website https://www.uscis.gov/CHNV for more information. In addition, this guide is only for persons who have already been granted Temporary Protected Status (TPS) and not for persons who are applying for TPS.

- If the application is approved, you will receive an Employment Authorization Document (EAD).

- The EAD may be presented to an employer as proof that you can legally work in the United States.

WHO CAN SUBMIT FORM I-765 ONLINE?

- Only certain categories of immigrants may file Form I-765. And certain categories of immigrants may file this form online.

- Temporary Protected Status holders and parolees under the processes for Cubans, Haitians, Nicaraguans, and Venezuelans may file Form I-765 online.

- There are other categories of immigrants who may apply but we will only be looking at those two categories in this guide.

- You must have a USCIS online account to file the form online. If you have not created a USCIS online account, visit the following USCIS website for a step-by-step guide, including a video tutorial, on how to create a USCIS online account: https://www.uscis.gov/file-online/how-to-create-a-uscis-online-account.

COMPLETING THE FORM ONLINE

Image obtained from the USCIS website

▪ Once you login into your USCIS online account, under the "My Account" tab, you will select the "File a form online" option.

COMPLETING THE FORM ONLINE

File a Form

Select the form you want to file online. Once you start, we will automatically save your information for 30 days, or from the last time you worked on the form.

Fee waiver: If you are requesting a fee waiver, you cannot file online. You must file a paper version of both the Form I-912, Request for Fee Waiver and the form for the specific benefit you are requesting. You can review the fee waiver guidance at www.uscis.gov/feewaiver.

Select the form you want to file online.

▲

I-90, Application to Replace Permanent Resident Card

I-130, Petition for Alien Relative

I-131, Application for Travel Document

I-134A, Online Request to be a Supporter and Declaration of Financial Support

I-539, Application To Extend/Change Nonimmigrant Status

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

I-765, Application for Employment Authorization

▪ In the "File a Form" page, select "I-765, Application for Employment Authorization" from the drop-down menu.

▪ After selecting that option, continue through the next pages until you get to the actual application (click on the "Next" tabs).

Image obtained from the USCIS website

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COMPLETING THE FORM ONLINE

I-765, Application for Employment Authorization

Getting Started ∧

Basis of eligibility

Reason for applying

Preparer and interpreter information

About You ∨

Evidence ∨

Additional Information ∨

Review and Submit ∨

What is your eligibility category?

⚠ You can file your request online only for certain eligibility categories

If your eligibility category does not appear on the drop-down list, you must file a paper Form I-765. If you submit online and are not eligible for one of the listed categories, your application may be denied.

[▾]

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[Back]   [**Next**]
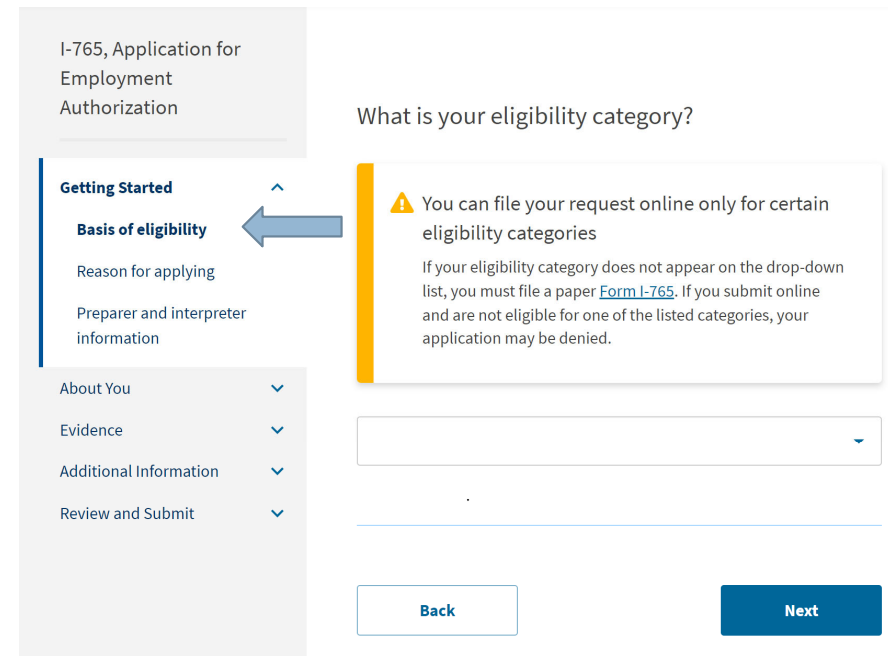
Online Form Navigation

- You can navigate the form by using the vertical list on the left side.
- You will need to complete each section (the sections collapse and expand).
- As you complete each section and go to a new section, the form saves the information.

Image obtained from the USCIS website

COMPLETING THE FORM ONLINE

Getting Started: Basis of Eligibility

▪ Under the "Getting Started" section, choose the "Basis of eligibility" subsection.

▪ You will need to select the appropriate category from the drop-down menu.

▪ If you are applying under the parole category, select "category (c)(11) Parole".

▪ If you have an approved TPS, select category "(a)(12) Temporary Protected Status Granted".

I-765, Application for Employment Authorization

What is your eligibility category?

Getting Started

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Reason for applying

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Review and Submit

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If your eligibility category does not appear on the drop-down list, you must file a paper Form I-765. If you submit online and are not eligible for one of the listed categories, your application may be denied.

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Image obtained from the USCIS website

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Reason for applying

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Additional Information ⌄

Review and Submit ⌄

What is your eligibility category?

⚠ **You can file your request online only for certain eligibility categories**

If your eligibility category does not appear on the drop-down list, you must file a paper Form I-765. If you submit online and are not eligible for one of the listed categories, your application may be denied.

(c)(11) Parole ▾

ℹ **You can now file an EAD application after being paroled into the United States**

Pursuant to the Feb. 7, 2022 ruling in Asylumworks et al. v. Mayorkas et al., credible fear parolees may file an EAD application at any time after being paroled into the United States, and may seek employment authorization under the (c)(11) category at the time of filing.

I-765, Application for Employment Authorization

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What is your eligibility category?

⚠ **You can file your request online only for certain eligibility categories**

If your eligibility category does not appear on the drop-down list, you must file a paper Form I-765. If you submit online and are not eligible for one of the listed categories, your application may be denied.

(a)(12) Temporary Protected Status Granted ▾

⚠ **You must file Form I-821**

Based on the eligibility category you selected and your A-number, you may be a TPS applicant or recipient and must file Form I-821 before you file Form I-765. If you are not a TPS recipient, amend your eligibility category before proceeding.
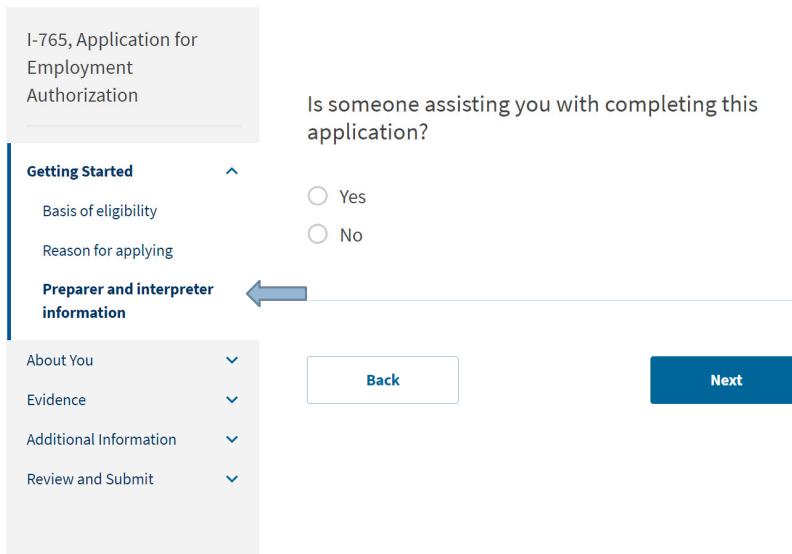
If you are a TPS applicant or recipient, upload evidence that we accepted or approved your Form I-821, otherwise, we will reject your application and you will not receive a refund.

Images obtained from the USCIS website

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Completing the Form Online

Image obtained from the USCIS website

Getting Started: Reasons for Applying

- Next, you will need to indicate your reasons for applying. Under the "Getting Started" section, choose the "Reasons for applying" subsection.

- If this is your first time applying for an EAD, select the first option "Initial permissions to accept employment".

- If you need to replace a lost, stolen or damages EAD, or correct an EAD, select the second option.

- If you need to renew an expired EAD, select the third option "Renewal of permission to accept employment".

- At the bottom, please indicate if you have previously filed Form I-765.

COMPLETING THE FORM ONLINE

I-765, Application for Employment Authorization

Getting Started ⌃
   Basis of eligibility
   Reason for applying
   Preparer and interpreter information

About You ⌄
Evidence ⌄
Additional Information ⌄
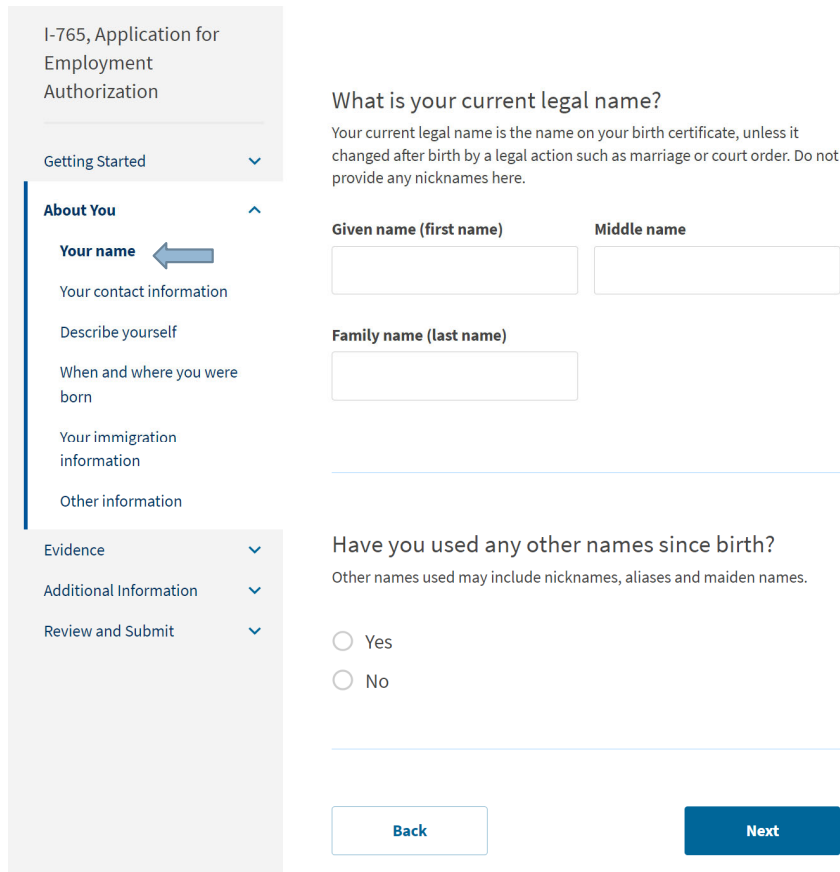Review and Submit ⌄

Is someone assisting you with completing this application?

○ Yes
○ No

[Back]   [**Next**]

Getting Started: Preparer and Interpreter

- Under the "Getting Started" section, choose the "Preparer and interpreter information" subsection.

- If someone is assisting you in completing the form and/or interpreting the form for you, select "Yes".

- If no one is assisting you, select "No".

Image obtained from the USCIS website

COMPLETING THE FORM ONLINE

I-765, Application for Employment Authorization

Getting Started ⌄

About You ⌃

   Your name ⟵

   Your contact information

   Describe yourself

   When and where you were born

   Your immigration information

   Other information

Evidence ⌄

Additional Information ⌄

Review and Submit ⌄

What is your current legal name?

Your current legal name is the name on your birth certificate, unless it changed after birth by a legal action such as marriage or court order. Do not provide any nicknames here.

Given name (first name)

Middle name

Family name (last name)

Have you used any other names since birth?

Other names used may include nicknames, aliases and maiden names.
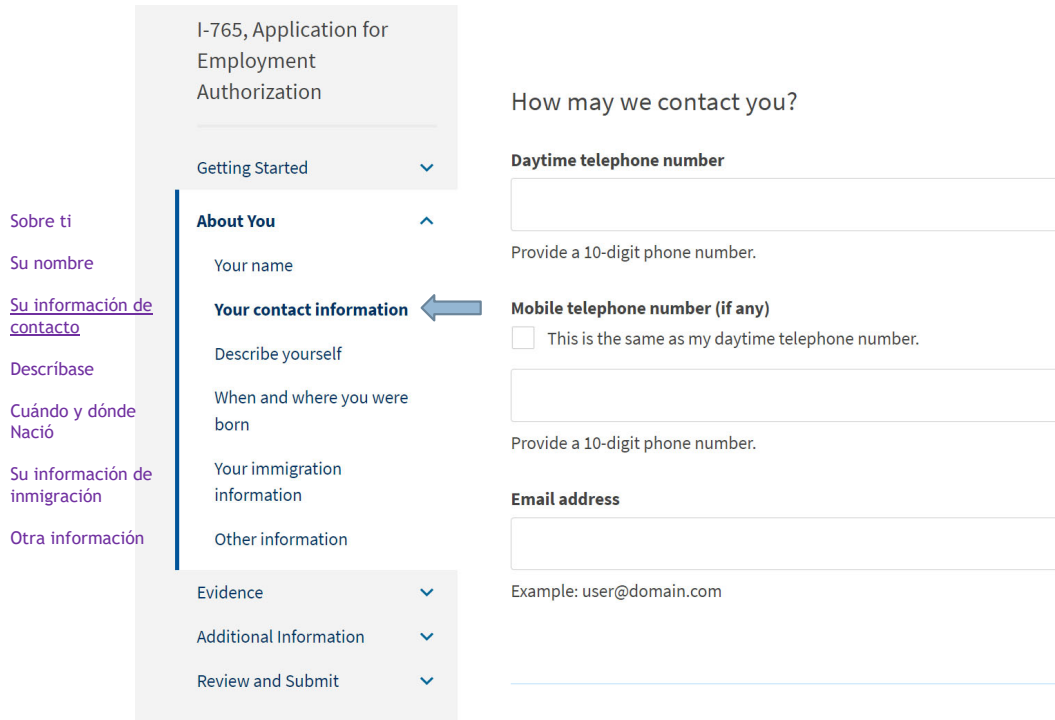
◯ Yes

◯ No

[Back] [Next]

About You: Your Name

- Under the "About You" section, choose the "Your name" subsection.

- Indicate your name as it appears in your birth certificate. Include your first name, middle name and family name.

- If your name has been legally changed (for example, by marriage) indicate that name.

- If you have been known by other names since birth (including nicknames, aliases and maiden names), select "Yes" at the bottom, and list all of those names.

- If you have not be known by any other name, select "No".

Image obtained from the USCIS website

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COMPLETING THE FORM ONLINE

I-765, Application for Employment Authorization

Getting Started ⌄

About You ⌃

Your name

Your contact information ←

Describe yourself

When and where you were born

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Other information

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Additional Information ⌄

Review and Submit ⌄

Sobre ti

Su nombre

Su información de contacto

Descríbase

Cuándo y dónde Nació

Su información de inmigración

Otra información

How may we contact you?

Daytime telephone number

Provide a 10-digit phone number.

Mobile telephone number (if any)

☐ This is the same as my daytime telephone number.

Provide a 10-digit phone number.

Email address

Example: user@domain.com

About You: Your Contact Information

- Under the "About You" section, choose the "Your contact information" subsection.

- Indicate your daytime telephone number, mobile number and email address.

Image obtained from the USCIS website

COMPLETING THE FORM ONLINE

What is your current U.S. mailing address?

We will use your current mailing address to contact you throughout the application process. We may not be able to contact you if you do not provide a complete and valid address. Please provide a U.S. address only.

In care of name (if any)

Address line 1

Street number and name

Address line 2

Apartment, suite, unit, or floor

City or town   **State**   **ZIP code**

Provide a 5 or 9-digit ZIP code.

Is your current mailing address the same as your physical address?

○ Yes
○ No

About You: Your Contact Information (continued)

- Indicate your current U.S. mailing address. Note that this address will be used by USCIS to contact you and send you documents.

- If your current mailing U.S. mailing address is the same as your physical address, indicate "Yes".

- If your current mailing U.S. mailing address is different than your physical address, indicate "No" and indicate your physical address.

Image obtained from the USCIS website

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About You

Your name

Your contact information

Describe yourself ⬅

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Sobre ti

Su nombre

Su información de contacto

Descríbase

Cuándo y dónde Nació

Su información de inmigración

Otra información

What is your gender?

○ Male

○ Female

What is your marital status?
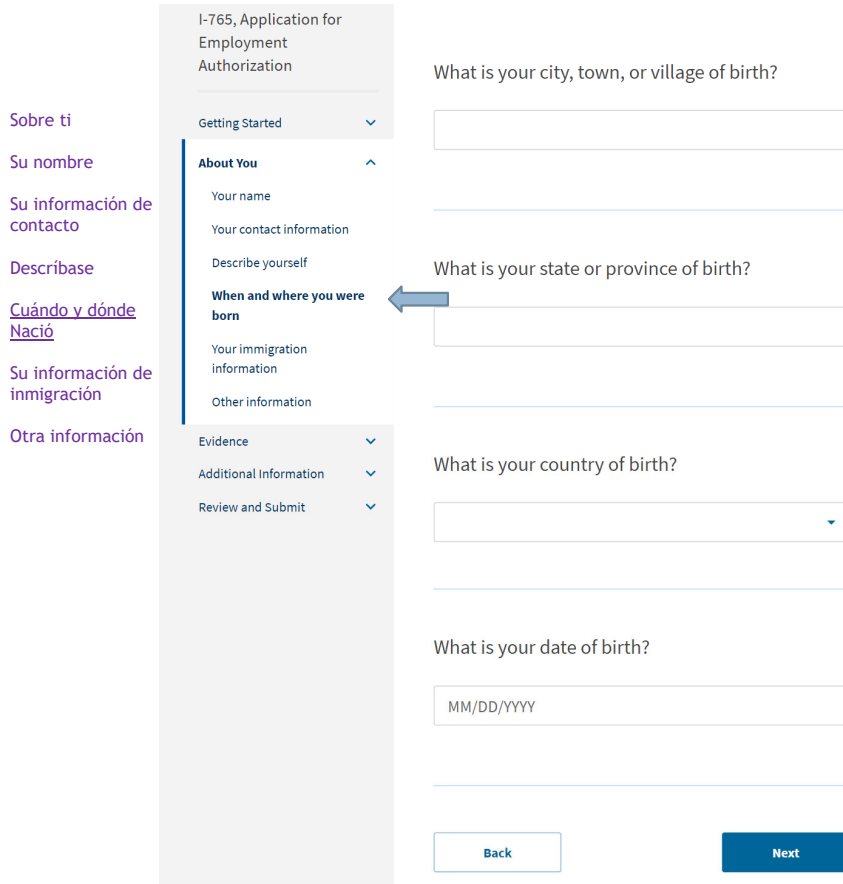
○ Single

○ Married

○ Divorced

○ Widowed

Back

About You: Describe Yourself

- Under the "About You" section, choose the "Describe yourself" subsection.

- Indicate your gender ("male" or "female").

- Indicate your marital status ("single", "married", "divorced" or "widowed").

Image obtained from the USCIS website

COMPLETING THE FORM ONLINE

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Getting Started ⌄

About You ⌃
   Your name
   Your contact information
   Describe yourself
   When and where you were born
   Your immigration information
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Sobre ti

Su nombre

Su información de contacto

Descríbase

Cuándo y dónde Nació

Su información de inmigración

Otra información

What is your city, town, or village of birth?

What is your state or province of birth?

What is your country of birth?

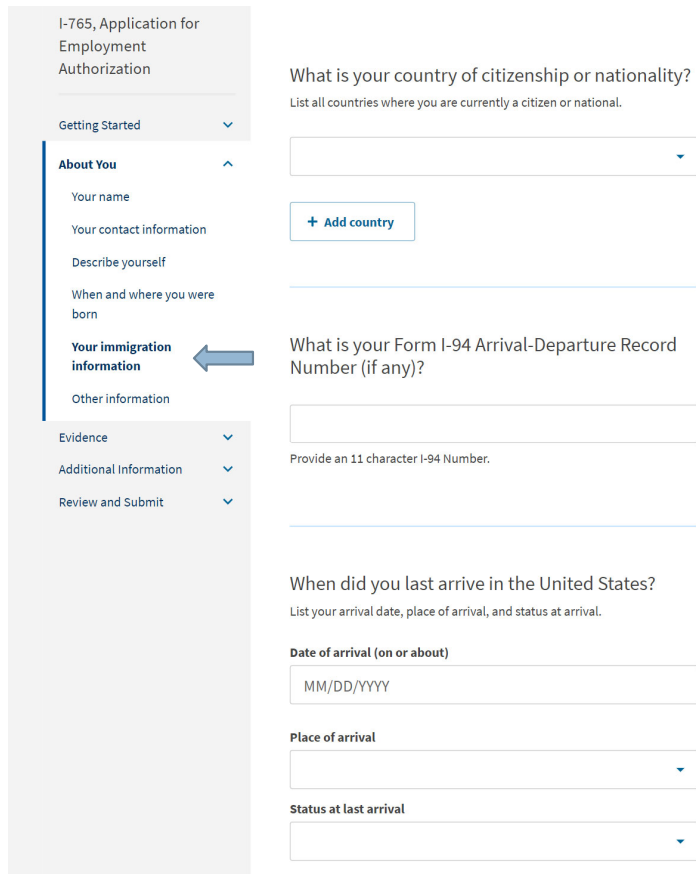What is your date of birth?

MM/DD/YYYY

Back   Next

About You: When and Where You Were Born

- Under the "About You" section, choose the "When and where you were born" subsection.

- Indicate the city, town or village where you were born.

- Indicate the state or province where you were born.

- Indicate your date of birth.

Image obtained from the USCIS website

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COMPLETING THE FORM ONLINE

I-765, Application for Employment Authorization

Getting Started ⌄

About You ⌃

   Your name

   Your contact information

   Describe yourself

   When and where you were born

   Your immigration information

   Other information

Evidence ⌄

Additional Information ⌄

Review and Submit ⌄

What is your country of citizenship or nationality?

List all countries where you are currently a citizen or national.

[▾]

+ Add country

What is your Form I-94 Arrival-Departure Record Number (if any)?

[ ]

Provide an 11 character I-94 Number.

When did you last arrive in the United States?

List your arrival date, place of arrival, and status at arrival.

Date of arrival (on or about)

MM/DD/YYYY

Place of arrival

[▾]

Status at last arrival

[▾]

About You: Your Immigration Information

- Under the "About You" section, choose the "Your immigration information" subsection.

- List all your current countries of citizenship or nationality.

- Indicate your I-94 Number (see next slide for more on how to locate your number).

- Indicate your last date of arrival, place of arrival and your immigration status at last arrival.

Image obtained from the USCIS website

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COMPLETING THE FORM ONLINE

Electronic Form I-94   Paper Form I-94

Images obtained from the USCIS website

- You can find your I-94 Number in your Electronic I-94 or your Paper Form I-94 as shown above.

- You can print your electronic Form I-94 for free at https://i94.cbp.dhs.gov/I94/#/recent-search, after entering the requested information.

COMPLETING THE FORM ONLINE

What is the passport number of your most recently issued passport?

What is your travel document number (if any)?

What is the expiration date of your passport or travel document?

MM/DD/YYYY

What country issued your passport or travel document?

What is your current immigration status or category?

What is your Student and Exchange Visitor Information System (SEVIS) Number (if any)?

Use the "Additional Information" section to include all previously used SEVIS numbers.

N-

Provide a 10, 11, or 12-digit SEVIS number.

About You: Your Immigration Information (Continued)

- Indicate the passport number of your most recently issued passport.

- If you have a travel document number, indicate in the corresponding field.

- Select the expiration date of your passport or travel document.

- Indicate the country that issued your passport or travel document.

- Select your current immigration status or category (either "Temporary Protected Status" or "Parolee").

Image obtained from the USCIS website

COMPLETING THE FORM ONLINE

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Getting Started ⌄

About You ⌃

    Your name

    Your contact information

    Describe yourself

    When and where you were born

    Your immigration information

    Other information

Evidence ⌄

Additional Information ⌄

Review and Submit ⌄

What is your A-Number?

☐ I do not have or know my A-Number.

| A- |

Provide a 7, 8, or 9-digit number. If your A-Number is fewer than 9 digits, the system will automatically add zero(s) after the "A" and before the first digit so there is a total of 9 digits, for example: A-001234567.

⚠ **You must file Form I-821**

Based on the eligibility category you selected and your A-number, you may be a TPS applicant or recipient and must file Form I-821 before you file Form I-765. If you are not a TPS recipient, amend your eligibility category before proceeding.

If you are a TPS applicant or recipient, upload evidence that we accepted or approved your Form I-821, otherwise, we will reject your application and you will not receive a refund.

What is your USCIS Online Account Number?

Providing your unique USCIS Online Account Number (OAN) helps us manage your account. You may already have an OAN if you previously filed certain paper forms and received an Account Access Notice in the mail. You can find the OAN at the top of the notice; it is not the same as an A-Number.

☐ I do not have or know my USCIS Online Account Number.

| |

Provide a 12-digit Online Account Number.

About You: Other Information

- Under the "About You" section, choose the "Other information" subsection.

- Indicate your A-Number or check the box if you do not know your A-Number.

- Indicate your USCIS Online Account Number.

Image obtained from the USCIS website

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COMPLETING THE FORM ONLINE

Has the Social Security Administration (SSA) ever officially issued a Social Security card to you?

○ Yes
● No

Do you want the SSA to issue you a Social Security card?

● Yes
○ No

⚠ You must agree to the Consent for Disclosure

If you answer "Yes", you must also answer "Yes" to the Consent for Disclosure.

Consent for Disclosure: I authorize disclosure of information from this application to the SSA as required for the purpose of assigning me an SSN and issuing me a Social Security card.

● Yes
○ No

What is your father's birth name?

Given name (first name)   Family name (last name)

What is your mother's birth name?

Given name (first name)   Family name (last name)

About You: Other Information

- Under the "About You" section, choose the "Other information" subsection.

- Indicate your A-Number or check the box if you do not know your A-Number.

- Indicate your USCIS Online Account Number.

- Indicate whether you have a Social Security card.

- If you do not have a Social Security card and wish to apply for one, select "yes" under the applicable field and select "yes" under the "Consent for Disclosure", indicate your father's birth name, and your mother's birth name (see section "What is a Social Security Number?")

Image obtained from the USCIS

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WHAT IS A SOCIAL SECURITY NUMBER?

- A Social Security number is a 9-digit number that is assigned uniquely to you.

- You may need this number in order to: (1) file taxes, (2) start a job, (3) open a bank account, and/or (4) for other purposes.

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COMPLETING THE FORM ONLINE

Evidence

- Under the "Evidence" section, you will need to scan and upload each of the documents listed in the navigation bar.
- Documents must be clear and readable.
- The accepted file formats are JPG, JPEG or PNG.
- No encrypted or password-protected files.
- If documents are in a foreign language, upload a full English translation and the translator's certification with each document.
- Accepted file name characters: English letters, numbers, spaces, periods, periods, hyphens, underscores and parentheses.
- Upload no more than one document at a time.
- Maximum size of 12 MB per file.

COMPLETING THE FORM ONLINE

Evidence: Temporary Protected Status

(1) Photo: a recent color 2x2 inches photo of you (we suggest taken within 30 days of the application), facing the camera directly with a white or off-white background. Your head must be bare, unless contrary to religious beliefs.

(2) Form I-94 or Passport: copy of your physical Form I-94 or a printout of the electronic Form I-94, available for free at https://i94.cbp.dhs.gov/I94/#/recent-search. If you are unable to obtain your Form I-94 from the CBP website, you may submit Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Record with USCIS. USCIS charges a fee for this service.

(3) Employment Authorization Document: If you were issued a prior Employment Authorization Document, a copy of your previous EAD (front and back). If you have not been previously issued an EAD, upload a copy of any of the following documents: (i) a government-issued identity document showing your picture, name and date of birth (such as a passport), or (ii) a birth certificate with photo ID, or (iii) a visa issued by a foreign consulate, or (iv) a national ID document with photo and/or fingerprint.

(4) Proof of Identity and Nationality: A copy of any of the following documents: (i) your most recent passport (all pages), or (ii) your birth certificate accompanied by photo identification, or (iii) any national identity document from your country of origin that includes your photo and/or fingering.

(5) Form I-821 (Application for Temporary Protected Status): If you previously filed Form I-821, upload evidence that USCIS accepted or approved your initial Form I-821.

(6) EOIR or BIA Order: A copy of the order granting you TPS (such as a copy of your Form I-821 that was approved by the Executive Office for Immigration Review (EOIR) judge or the Board of Immigration Appeals (BIA), if an EOIR immigration judger or BIA granted you TPS and you are applying for your first EAD or are submitting a first-time re-registration.

Completing the Form Online

<u>Evidence: Parolee</u>

(1) <u>Photo</u>: a recent color 2x2 inches photo of you (we suggest taken within 30 days of the application), facing the camera directly with a white or off-white background. Your head must be bare, unless contrary to religious beliefs.

(2) <u>Form I-94 or Passport</u>: copy of your physical Form I-94 or a printout of the electronic Form I-94, available for free at https://i94.cbp.dhs.gov/I94/#/recent-search. If you are unable to obtain your Form I-94 from the CBP website, you may submit Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Record with USCIS. USCIS charges a fee for this service.

(3) <u>Employment Authorization Document</u>: If you were issued a prior Employment Authorization Document, a copy of your previous EAD (front and back). If you have not been previously issued an EAD, upload a copy of any of the following documents: (i) a government-issued identity document showing your picture, name and date of birth (such as a passport), or (ii) a birth certificate with photo ID, or (iii) a visa issued by a foreign consulate, or (iv) a national ID document with photo and/or fingerprint.

FILING FEE

- Filing fee is $410

- Fee is non-refundable regardless of any action we take on your application, petition or request, or how long USCIS takes to reach a decision.

- Online portal accepts credit cards and debit cards. Money orders or cash is not accepted for the online application.

- If USCIS subsequently notifies you that you must submit biometrics, you will receive a biometrics appointment notice with instructions on how to submit the additional biometrics fee.

WHAT TO EXPECT AFTER SUBMITTING

- After submitting your form, you should receive a receipt notice in your USCIS online account.

- A few weeks after filing, you should receive a physical copy of the receipt notice sent to the mailing address you provided on your Form I-765. Please verify that all information is correct on the notice and keep the document with your personal files.

- You can monitor your application online. USCIS recently announced the availability of the myProgress service for Form I-765 that allows you to view confirmation of completed steps and estimated wait times until the next step in your case processing is completed, including: (i) confirmation that the application was received; (ii) biometric services appointment was completed (if required); and (iii) the decision on a pending case.

- To view myProgress, log in to your USCIS online account, select the pending application and click on the myProgress tab.

POSSIBLE OUTCOMES

(1) <u>Approval</u>: You will be able to start work once you have received your EAD card and the start date on the EAD card has arrived. Note the expiration date of the EAD because you will need to renew the EAD well in advance of the expiration date.

(2) <u>Biometric Services Appointment</u>: USCIS may notify you at a later date that you must submit biometrics, and you will receive a biometric services appointment notice with instructions on the steps to follow.

(3) <u>Request for Evidence</u>: USCIS may send you a Request for Evidence requesting clarification and/or additional documents to process the application.

(4) <u>Denial</u>.