Employment Authorization Documents (EADs)

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<mark>About</mark> UnLocal



Venezuelans and Immigrants Aid



Non-profit

Legal Team + Education Team

We are not part of the government

A collaboration with 6 non-profit organizations – "PSPP"

- Catholic Migration Services (CMS)
- Central American Legal Assistance (CALA)
- Masa
- New York Legal Assistance Group (NYLAG)
- Venezuelans and Immigrants Aid (VIA)
- African Communities Together (ACT)

CENTRAL AMERICAN LEGAL ASSISTANCE

CATHOLIC MIGRATION SERVICES



What is an EAD?

- Employment Authorization Documents (EADs) are documents issued by the US government that permit eligible non-citizens to work legally in the United States.
- AKA work permits
- It comes in the form of an identification card, and it can be used as a government-issued ID.
- With an EAD, people will receive a Social Security Card
- If you are not a U.S. citizen or a Permanent Resident, employers will often expect you to have an EAD card to make sure you are legally allowed to work.

EAD Example



Who qualifies for an EAD?

- Many types of applicants qualify for an EAD, including asylum applicants, DACA recipients, F1 visa holders, U visa applicants, Temporary Protected Status (TPS) recipients, people under an Order of Supervision, and more.
- Today we will discuss 2 main bases for applying for an EAD:
 - Asylum applicants
 - Parolees

EADs for Asylum Seekers

- **The "Clock"** » how many days an asylum application has been pending with USCIS or with Immigration Court
- Asylum seekers may <u>submit</u> an application for an EAD when the clock reaches **150 days**.
- They are then eligible to <u>receive</u> an EAD when the clock reaches **180 days**.
- To check the number of days on your clock:
 - Defensive Asylum (Immigration Court): Call EOIR Automated Case Information System at (800) 898–7180
 - Affirmative Asylum (USCIS): calculate number of days starting with the day I–589 application was received by USCIS

EADs for Asylum Seekers (continued)

When the Clock might stop!

"Applicant-caused delays"

When the case is pending with USCIS at the Asylum Office

- A request to transfer a case to a new asylum office or interview location
- A request to reschedule an interview for a later date
- Failure to appear at an interview or biometrics appointment
- Etc.

When the case is pending with EOIR at the Immigration Court

- A request for the case to be continued so you can get an attorney
- A request by the applicant or attorney for additional time to prepare the case;
- The Judge granting a Motion to Change Venue
- Etc

How to apply for a first-time EAD as an Asylum Seeker

- **Form**: I-765, Application for Employment Authorization;
- <u>To include with Form I-765</u>:
 - Proof that I-589 application was filed:
 - I-797C USCIS receipt notice **or** stamped copy of I-589 submitted to Immigration Court
 - Copy of identity document with photo: passport biographic page, foreign ID (must include certified English translation if it's in a foreign language), etc.
 - Copy of visa and/or I-94 if available;
 - If applying as child based on parent's asylum application, copy of birth certificate with certified English translation
 - Two identical passport-sized photographs of you, taken within the last 30 days;
 - Certificates of Disposition if there is a criminal record

First-time EADs for Asylum Applicants are **FREE**

Certificate of Translation

All foreign language documents must be translated into English and be accompanied by a Certificate of Translation.

CERTIFICATE OF TRANSLATION

I, [TRANSLATOR'S NAME], certify that I am competent in both the English and Spanish languages, and that I translated this [DOCUMENT NAME] to the best of my knowledge and ability.

Date:

Translator

Filling out the I-765 as a first-time Asylum Seeker

You can either apply **ONLINE** or **BY MAIL**

For applications by mail:

Make sure you download the **most recent version** of Form I-765 directly from USCIS' website @ https://www.uscis.gov/i-765. _{Form Details}



Filling out the I-765 as a first-time Asylum Seeker

For applications filed online:

myaccount.uscis.gov		
	U.S. Citizenship and Immigration Services	
	Sign In Email *	
	Password *	
	Forgot your Password?	Show Password
	Sign In	
	One account for all of your USCIS needs. Create an account.	
	Didn't receive confirmation instructions?	

You will need to create a USCIS Account through myaccount.uscis.gov and have a valid email address.

Only certain I-765 can be filed online, but this **does** include asylum seekers and parolees.

Filling out the I-765 as a first-time Asylum Seeker

From USCIS website:

Forms and Document Downloads

Form I-765 (PDF, 454.29 KB)

Instructions for Form I-765 (PDF, 751.16 KB)

Form I-765 Worksheet (PDF, 243.14 KB)

Where to File

Checklist of Required Initial Evidence (for informational purposes only)

View the <u>checklist</u> of required initial evidence.

Instructions on how to fill out the form

If filing by mail, find the correct filing address

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The filing address depends on your reason for applying and the eligibility category you entered in Question 27. Please check the <u>filing locations for Form I-765</u> for a list of addresses. If you are a replacing a card that has incorrect information, please see the Special Instructions provided below.

Filling out the 1-765

To be completed by an attorney or Board of Immigration Appeals (BIA)accredited representative (if any). Select this box if Form G-28 At is attached.

8 Attorney or Accredited Representative USCIS Online Account Number (if any)

► START HERE - Type or print in black ink.

Part 1. Reason for Applying

I am applying for (select only one box):

- 1.a. Initial permission to accept employment.
- 1.b. Replacement of lost, stolen, or damaged employment authorization document, or correction of my employment authorization document **NOT DUE** to U.S. Citizenship and Immigration Services (USCIS) error.

NOTE: Replacement (correction) of an employment authorization document due to USCIS error does not require a new Form I-765 and filing fee. Refer to **Replacement for Card Error** in the **What is the Filing Fee** section of the Form I-765 Instructions for further details.

 1.c. Renewal of my permission to accept employment. (Attach a copy of your previous employment authorization document.)

Part 2. Information About You

Your Full Legal Name

 1.a. Family Name (Last Name)

 1.b. Given Name (First Name)

 1.c. Middle Name

Other Names Used

Provide all other names you have ever used, including aliases, maiden name, and nicknames. If you need extra space to complete this section, use the space provided in **Part 6.** Additional Information.



NOTE: If you answered "No" to Item Number 13.a., skip to Item Number 14. If you answered "Yes" to Item Number 13.a., provide the information requested in Item Number 13.b.

13.b. Provide your Social Security number (SSN) (if known).

 Do you want the SSA to issue you a Social Security card? (You must also answer "Yes" to Item Number 15., Consent for Disclosure, to receive a card.)

Yes No

NOTE: If you answered "No" to Item Number 14., skip to Part 2., Item Number 18.a. If you answered "Yes" to Item Number 14., you must also answer "Yes" to Item Number 15.

 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

NOTE: If you answered "Yes" to Item Numbers 14. - 15., provide the information requested in Item Numbers 16.a. - 17.b.

Father's Name

ovi	ide your father's birth name.	
	Family Name (Last Name)	
b.	Given Name (First Name)	

Mother's Name

vi	de your mother's b	irth name.
	Family Name (Last Name)	
	Given Name (First Name)	

Your Country or Countries of Citizenship or Nationality

List all countries where you are currently a citizen or national. If you need extra space to complete this item, use the space provided in **Part 6. Additional Information**.

18.a. Country



- Note that you will want to mark Yes for 14 and 15 if you do not already have a Social Security number.
- Social Security cards usually do NOT arrive at the same time as the EAD card.

Part 2. Information About You (continued)

Place of Birth

List the city/town/village, state/province, and country where you were born.

19.a. City/Town/Village of Birth

19.b. State/Province of Birth

19.c. Country of Birth

20. Date of Birth (mm/dd/vvvv)

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

Information About Your Eligibility Category

- 27. Eligibility Category. Refer to the Who May File Form I-765 section of the Form I-765 Instructions to determine the appropriate eligibility category for this application. Enter the appropriate letter and number for your eligibility category below (for example, (a)(8), (c)(17)(iii)).
- (c)(3)(C) STEM OPT Eligibility Category. If you entered the eligibility category (c)(3)(C) in Item Number 27, provide the information requested in Item Numbers 28.a - 28.c.
- 28.a. Degree

 28.b. Employer's Name as Listed in E-Verify
- 28.c. Employer's E-Verify Company Identification Number or a Valid E-Verify Client Company Identification Number
- 29. (c)(26) Eligibility Category. If you entered the eligibility category (c)(26) in Item Number 27., provide the receipt number of your H-1B spouse's most recent form 1-797 Notice for Form I-129, Petition for a Nonimmigrant Worker.

►

30. (c)(8) Eligibility Category. If you entered the eligibility category (c)(8) in Item Number 27, have you EVER been arrested for and/or convicted of any crime?

 Yes
 No

NOTE: If you answered "Yes" to Item Number 30., refer to Special Filing Instructions for Those With Pending Asylum Applications (c)(8) in the Required Documentation section of the Form 1-765 Instructions for information about providing court dispositions.

- 31.a. (c)(35) and (c)(36) Eligibility Category. If you entered the eligibility category (c)(35) in **ten Number 27**, plass provide the receipt number of your Form 1-797 Notice for Form 1-140, Immigrant Petition for Alien Worker. If you entered the eligibility category (c)(36) in **tem Number** 27., please provide the receipt number of your spouse's or parent's Form 1-797 Notice for Form 1-140.
- 31.b. If you entered the eligibility category (c)(35) or (c)(36) in Item Number 27., have you EVER been arrested for and/or convicted of any crime? Yes No

NOTE: If you answered "Yes" to Item Number 31.b., refer to Employment-Based Nonimmigrant Categories, Items 8. - 9., in the Who May File Form I-765 section of the Form I-765 Instructions for information about providing court dispositions.

- If you do not recall certain information, do your best to put the best answer possible.
- Question 24: If someone entered through the border without documentation, put EWI (Entered Without Inspection) or "no status"
- Question 27: The category for asylum seekers is (c)(8).

Part 3. Applicant's Statement, Contact Information, Declaration, Certification, and Signature

NOTE: Read the Penalties section of the Form I-765 Instructions before completing this section. You must file Form I-765 while in the United States.

Applicant's Statement

NOTE: Select the box for either Item Number 1.a. or 1.b. If applicable, select the box for Item Number 2.

- 1.a. I can read and understand English, and I have read and understand every question and instruction on this application and my answer to every question.
- 1.b. The interpreter named in Part 4. read to me every question and instruction on this application and my answer to every question in

a language in which I am fluent, and I understood everything.

2. At my request, the preparer named in Part 5.

prepared this application for me based only upon information I provided or authorized.

Applicant's Contact Information

- Applicant's Daytime Telephone Number 3.
- 4 Applicant's Mobile Telephone Number (if any)
- Applicant's Email Address (if any) 5.
- 6. Select this box if you are a Salvadoran or Guatemalan national eligible for benefits under the ABC settlement agreement.

Applicant's Declaration and Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any and all of my records that USCIS may need to determine my eligibility for the immigration benefit that I seek.

I furthermore authorize release of information contained in this application, in supporting documents, and in my USCIS records, to other entities and persons where necessary for the administration and enforcement of U.S. immigration law.

I understand that USCIS may require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, if I am required to provide biometrics, I will be required to sign an oath reaffirming that:

- 1) I reviewed and understood all of the information contained in, and submitted with, my application; and
- 2) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that all of the information in my application and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my application and that all of this information is complete, true, and correct.

Applicant's Signature

7.a. Applicant's Signature -

7.b. Date of Signature (mm/dd/vvvv)

NOTE TO ALL APPLICANTS: If you do not completely fill out this application or fail to submit required documents listed in the Instructions, USCIS may deny your application.

Part 4. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter

Interpreter's Full Name

1.a. Interpreter's Family Name (Last Name)

1.b. Interpreter's Given Name (First Name)

2. Interpreter's Business or Organization Name (if any)

Part 4. Interpreter's Contact Information. Certification, and Signature

Interpreter's Mailing Address

3.a.	Street Number and Name
3.b.	Apt. Ste. Flr.
3.c.	City or Town
3.d.	State 3.e. ZIP Code
3.f.	Province
3.g.	Postal Code
3.h.	Country

Interpreter's Contact Information

- 4. Interpreter's Davtime Telephone Number
- 5. Interpreter's Mobile Telephone Number (if any)

6. Interpreter's Email Address (if any)

Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and

which is the same language specified in Part 3., Item Number 1.b., and I have read to this applicant in the identified language every question and instruction on this application and his or her answer to every question. The applicant informed me that he or she understands every instruction, question, and answer on the application, including the Applicant's Declaration and Certification, and has verified the accuracy of every answer.

Interpreter's Signature

- 7.a. Interpreter's Signature
- 7.b. Date of Signature (mm/dd/vvvv)

Part 5. Contact Information, Declaration, and Signature of the Person Preparing this Application, If Other Than the Applicant Provide the following information about the preparer. **Preparer's Full Name**

1.a. Preparer's Family Name (Last Name)

1.b. Preparer's Given Name (First Name)

2. Preparer's Business or Organization Name (if any)

Preparer's Mailing Address

3.c.	City or Town
3.d.	State - 3.e. ZIP Code
3.f.	Province
3.g.	Postal Code
3.h.	Country

Preparer's Mobile Telephone Number (if any)

6. Preparer's Email Address (if any)

5.

Preparer's Signature

- 8.a. Preparer's Signature
- 8.b. Date of Signature (mm/dd/vvvv)

Part 5. Contact Information, Declaration, and Signature of the Person Preparing this Application, If Other Than the Applicant (continued)

Preparer's Statement

- 7.a. I am not an attorney or accredited representative but have prepared this application on behalf of the applicant and with the applicant's consent.
- 7.b. I am an attorney or accredited representative and my representation of the applicant in this case extends does not extend beyond the preparation of this application.

NOTE: If you are an attorney or accredited representative, you may need to submit a completed Form G-28. Notice of Entry of Appearance as Attorney or Accredited Representative, with this application.

Preparer's Certification

By my signature, I certify, under penalty of perjury, that I prepared this application at the request of the applicant. The applicant then reviewed this completed application and informed me that he or she understands all of the information contained in, and submitted with, his or her application, including the Applicant's Declaration and Certification, and that all of this information is complete, true, and correct. I completed this application based only on information that the applicant provided to me or authorized me to obtain or use.

Par	rt 6. Additional Information	5.a.	Page Number	5.b.	Part Number	5.c.	Item Number
withi space to co sheet at the Num	u need extra space to provide any additional information in this application, use the space below. If you need mor than what is provided, you may make copies of this pag mplete and file with this application or attach a separate to f paper. Type or print your mane and A-Number (if ar to top of each sheet; indicate the Page Namber , Part iber , and Item Number to which your answer refers; ane and date each sheet.	e 5.d. ge					
	Family Name (Last Name) Given Name						
	(First Name) Middle Name						
	A-Number (if any) ► A-	6.a.	Page Number	6.b.	Part Number	6.c.	Item Number
2.	A-Number (if any) A-	6.d.					
3.a.	Page Number 3.b. Part Number 3.c. Item Num	ber					
		7.a.	Page Number	7.b.	Part Number	7.c.	Item Number
4.a.	Page Number 4.b. Part Number 4.c. Item Numb	7.d.					
4.d.							

• If you have anything you wish to add more detail about or clarify, you may do so here.

After submitting the I-765

Receipt notice:

After submitting the I-765, the application will receive a **receipt notice** (I-797C Notice of Action from USCIS) letting you know that they have received your application. If application sent by mail, this arrives after a few weeks or sometimes a little longer. If submitted online, the receipt notice arrives in a few days.

Biometrics appointment:

The applicant will receive a I-797C Notice of Action from USCIS to get fingerprints taken at a **specific location** on a **specific date**. People must bring the <u>notice</u> and a <u>photo ID</u>. *They should not miss this appointment, as it is very difficult to reschedule*.

Processing times and receiving the EAD

- After completing biometrics, first-time asylum EAD applications are generally approved within several months.
- If USCIS needs more information before approving: they will send a Request for Evidence (RFE) listing the additional documentation they need in order to approve, with a specific deadline by which it must be submitted, and the address of the office where it must be sent.

Processing times and receiving the EAD

- Processing Times: <u>https://egov.uscis.gov/processing-times/</u>
- Online Status (Have your Receipt Number!): <u>https://egov.uscis.gov/casestatus/</u>

Social Security Cards

- If the Social Security card does not arrive within a few weeks after the EAD card does, the applicant should go to their nearest Social Security Administration office.
- To find the nearest Social Security Office: <u>https://secure.ssa.gov/ICON/main.jsp</u>
- Either walk-in or make an appointment

How long does an EAD remain valid?

- The EAD will remain valid until the expiration date listed on the card. For asylum seekers, the card must be renewed every two years.
- There is currently an automatic extension of asylum seekers' EADs by 540 days, if they file their renewal before the expiration date of their current EAD.
- Applicants should try to submit renewal applications for their EAD at least a few months before the expiration date, but we recommend 6 months before because (c)(8) renewals **can take a year**.

Renewing the EAD for Asylum Applicants

- The EAD renewal process will largely require the same documents as before: The completed I–765, any passports/visas/I–94 documents, and two recent passport-sized photos.
- Also include a copy of the **current EAD**
- Renewals can be done by mail or online.
- Renewals are **not free** must pay \$410 or apply for a fee waiver.

Fee Waivers

How to apply for a fee waiver

- If you are unable to afford the \$410 filing fee at this time, you can attempt to file a I-912, Request for Fee Waiver. You qualify for a fee waiver if:
 - (1) You, your spouse, or the head of your household is getting a means-tested benefit. This is usually medicaid, and we prove this through a letter from the NY State Department of Health stating you are eligible for Medicaid. (A medicaid ID card alone is not enough.)
 - (2) Your household income is less than 150% of the Federal Poverty Guidelines; or
 - (3) You have a financial hardship.
- Medicaid is the easiest and the most straightforward way to receive a fee waiver.

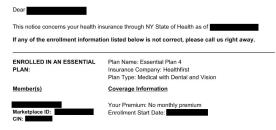
Medicaid Letter Sample





January 12, 2021 Account ID:

IMPORTANT NOTICE ABOUT YOUR PLAN ENROLLMENT



If you have a monthly premium, you will receive an invoice from your health plan. You must pay the monthly premium to start and keep your coverage. You will receive information about benefits and your health plan identification card directly from your health plan.

Call NY State of Health at 1-855-355-5777 (TTY: 1-800-662-1220) to get help in other languages or for help reading this notice. This notice is also available in other formats. Call for more information. To find a navigator or certified application assistor near you, visit https://www.nystateofhealth.ny.gov or call us.

EADs for Parolees

- EADs available for those who entered on parole
- Category (c)(11)
- Same requirements as (c)(8) EADs, but must also include "a copy of your valid, unexpired Form I-94, passport, or other travel document showing you were paroled into the United States"
- Can *usually* find most recent I-94 online (with passport # or sometimes A#)

	i94.cbp.dhs.gov/I94/#/recent-search	G 🖞 🛧 🕏
	Get Most Recent I-94	
	Get your most recent I-94 form to prove your legal visitor status in the (Available going back to 1983 for most classes of admission, (or parole), and indefinite diplomats and those admitted under the Compacts of Free Assoc	ly for certain classes, such a
	Enter Your Traveler Info Note: The info returned may not reflect applications submitted to or benefits received by U.S. Citizenship and Immigration Services or Immigration and Customs Enforcement.	Sample Passport
	* First (Given) Name : * Last (Family) Name/Surname :	Enter all information exactly appears on your travel documentation you used to enter the U.S.
	* Birth Date :	Enlarge the image to see mor detail.

EADs for Parolees

- EADs only last for the duration of parole
- If parole period is under 2 years, likely not worth applying due to long processing times
- (c)(11) EADs are **not free** they cost \$410 or require a **fee waiver**

How to check case processing times

Website:

https://egov.uscis.gov/processing-times/

Have **receipt notice** on hand with the relevant USCIS field office

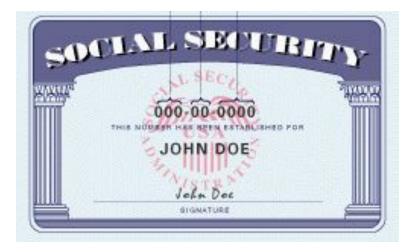
	(<mark>G</mark> û ☆) * 🛛
U.S. Citizenship and Immigration Services	Topics	Forms	Newsroom	Citizenship	Green Card	Laws
<u>Para tener acceso a este sitio en español, p</u>	presione aquí					
Check Case P	roces	ssin	a Time	es		
Select your form, form categ					ur case	
Refer to your receipt notice to find your for	rm, category, a	and office. F	or more informat			nd reading
your receipt notice, visit the More Information	<u>ion About Cas</u>	se Processir	l <u>g_Times</u> page.			
Form *						
I-765 Application for Employment Authorizat	ion	\sim				
Form Category *						
Form Category *		~				
Select One		~				
5,		~				
Select One Field Office or Service Center *		~				
Select One Field Office or Service Center *		~				

When an EAD is no longer needed for work authorization

- An EAD is no longer required to provide work authorization for those granted asylum or who received permanent residence.
- Asylum recipients and permanent residence may get **unrestricted social security cards**, providing them the right to work indefinitely. They may still keep and renew their EAD card as a form of a government-issued ID as long as remains valid.
- To get an unrestricted social security card: make an appointment at the nearest Social Security Administration office, fill out an application for a new Social Security Card, bring a form of ID verifying both your age and identity (i.e. passport), and either a <u>judge's order granting asylum or a USCIS notice</u> granting you asylum.

Restricted Social Security Card vs. Unrestricted





Questions?

More Resources

https://www.immigrationadvocates .org/legaldirectory/

- National Guide to Seeking Legal Representation

www.vianyc.org

www.unlocal.org/resources

www.rifnyc.org