

Employment Authorization

RIF
April 14, 2022

Great news!

The USCIS will no longer implement the *Trump* era rules that changed employment authorization, including:

- 1 year after filing the application (*unless member of ASAP*)
- Disqualifications for certain applicants based on manner of entry into the U.S. or prior criminal convictions
- Disqualifications if there was an applicant caused delay, even if the 1 year had already been completed

These rules are no longer in place. The government is not appealing. It is not required to become a member of ASAP anymore, although you still can in the interim just to ensure you receive your work permit timely.

What were the old (and now current) employment authorization rules?

- You can apply after 150 days and your work permit will be issued after 180 days (6 months)
- Applicant caused delays will toll (set off) that 180 day period; afterwards, though, requesting a continuance will not affect your ability to obtain work authorization
- Filing fee is \$410 for renewals; the initial application does not have any filing fee

What do you include in your application?

- Two passport style photos with your name and A# written in pencil on the back
- Check or money order in the amount of \$410 (for renewals); initial application has no fee
- Form I-765
- One form of photo ID (passport, driver's license, national ID, etc.)
- Asylum receipt notice showing date the application was received **(make sure to count 150 days, not 5 months)** OR **Individual Hearing Notice** OR **evidence that I-589 was lodged** with immigration court
- I-94 *(if applicable)*

Where do I file? What's my category?

- For a pending asylum case, your category is **(c)(8)**
- You will file your work permit to the following address:

USCIS

Attn: I-765 C08

P.O. Box 650888

Dallas, TX 75265-0888

When do I file my renewal?

- You can file your renewal 180 days before your current work expires. Once you file, you will receive an automatic extension of 180 days on your current work permit. By showing your receipt notice of your renewal, along with an expired work permit, that should be evidence of your continued employment.
- The USCIS proposed on 03/29/2022 to temporarily extend the amount of time work permits receive automatic extensions to deal with severe backlogs (renewal EADS for category (c)(8) are taking about 10 – 11 months). It likely will soon be an automatic extension of 1 year--- but as of today (4-14-22), they are still 180 days.

I was granted asylum. What kind of work authorization document do I need now?

Congratulations on being granted asylum!

When you are granted asylum, you will automatically receive a work authorization document under category (a)(5) which you can show as evidence of your work authorization.

However, you are not required to have a work authorization document as an asylee. Your I-94 evidencing you have been granted asylum is enough to show to an employer that you are work authorized. It is not necessary to renew your EAD unless you need it for another reasons (for example, as a form of photo ID).

Let's go through an EAD application!

You can find the EAD applications on the USCIS website which is www.uscis.gov

Once there, go to the link for "FORMS", and then look up form "I-765"