Instructions for Application for Employment Authorization

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

USCIS
Form I-765
OMB No. 1615-0040
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What Is the Purpose of Form I-765?

Certain foreign nationals who are in the United States may file Form I-765, Application for Employment Authorization, to request employment authorization and an Employment Authorization Document (EAD). Other foreign nationals whose immigration status authorizes them to work in the United States without restrictions may also use Form I-765 to apply to U.S. Citizenship and Immigration Services (USCIS) for an EAD that shows such authorization. Review the **Who May File Form I-765** section of these Instructions to determine whether you should use Form I-765.

Foreign nationals may also apply for a Social Security number and card on Form I-765 following the guidelines in the **Specific Instructions** section of these Instructions, **Part 2. Information About You, Item Numbers 13.a. - 17.b.**

Definitions

Employment Authorization Document (EAD): The EAD is the card (also known as Form I-688A, Form I-688B, Form I-766, or any successor document) issued as evidence that the holder is authorized to work in the United States.

Initial EAD: An EAD issued to an eligible applicant for the first time under a specific eligibility category.

Renewal EAD: An EAD issued to an eligible applicant 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 was lost, stolen, damaged, or contains errors, such as a misspelled name.

NOTE: For more information regarding employment authorization documents, visit **www.uscis.gov/greencard/ employment-authorization-document**.

Who May File Form I-765?

You may file Form I-765 if you fall within one of the eligibility categories below. ....

Foreign Students Categories

1. **F-1 Student Seeking Optional Practical Training (OPT) in a Position Directly Related to Major Area of Study**

   NOTE: If you are an F-1 student filing for initial or extension of OPT, please note that your OPT and your employment authorization will be automatically terminated if you change educational program levels or transfer to another school. Working in the United States without authorization may result in

your removal from the United States or denial of re-entry. Consult your Designated School Official (DSO) for additional details.

A. Pre-Completion OPT--(c)(3)(A). (*OISS Note: Time approved for Pre-Completion OPT will be deducted from the 12-month Post –Completion OPT.*) File Form I-765 up to 90 days before being enrolled for one full academic year, provided that the period of employment will not start before you have completed one full academic year. You must include a Certificate of Eligibility of Nonimmigrant (F-1) Student Status (Form I-20) endorsed by the DSO before filing Form I-765.

B. Post-Completion OPT--(c)(3)(B). File Form I-765 up to 90 days before, but no later than 60 days after, your program end date. Use **Part 6. Additional Information** to provide all previously used SEVIS numbers and evidence of any previously authorized CPT or OPT and the academic level at which it was authorized.

> **NOTE:** You **must** file your Form I-765 within 30 days of the date that your DSO enters the recommendation for OPT into your SEVIS record. If you fail to do so, we will deny your OPT request.

C. 24-Month Extension for STEM Students (Students With a Degree in Science, Technology, Engineering, or Mathematics)--(c)(3)(C). File Form I-765 up to 90 days before the expiration of your current OPT, if you are requesting a 24-month STEM extension. Include evidence the degree that is the basis for the STEM OPT extension is in one of the degree programs currently listed on the STEM Designated Degree Program List. Additionally, submit the employer's name as listed in E-Verify, along with the E-Verify Company Identification Number, or a valid E-Verify Client Company Identification Number for the employer with whom you are seeking the 24-month STEM OPT extension. You must provide this information in **Part 2.**, **Item Numbers 28.a. - 28.c.**, of Form I-765. You must include a copy of the Form I-20 endorsed by the DSO within 60 days before filing Form I-765.

NOTE: If you are applying for a STEM OPT extension based on a previously earned STEM degree, you must also include a copy of your prior STEM degree and evidence that the institution is currently accredited by the U.S. Department of Education and certified by the SEVP.

General Instructions

USCIS provides forms free of charge through the USCIS website. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at **http://get.adobe.com/reader/**. If you do not have Internet access, you may call the USCIS National Customer Service Center at **1-800-375-5283** and ask that we mail a form to you. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Signature. Each application must be properly signed and filed. For all signatures on this application, USCIS will not accept a stamped or typewritten name in place of a signature. If you are under 14 years of age, your parent or legal guardian may sign the application on your behalf. A legal guardian may also sign for a mentally incompetent person.

Validity of Signatures. USCIS will consider a photocopied, faxed, or scanned copy of the original, handwritten signature valid for filing purposes. The photocopy, fax, or scan must be of the original document containing the handwritten, ink signature.

Filing Fee. Each application must be accompanied by the appropriate filing fee. (See the **What Is the Filing Fee** section of these Instructions.)

How To Fill Out Form I-765

1. Type or print legibly in black ink.

2. If you need extra space to complete any item within this application, use the space provided in **Part 6. Additional Information** or attach a separate sheet of paper. Type or print your name and Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

3. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks, "Provide the name of your current spouse"), type or print "N/A" unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, "How many children do you have" or "How many times have you departed the United States"), type or print "None" unless otherwise directed.

Specific Instructions

Part 1. Reason for Applying.

You must select one **Item Number** that best describes your reason for applying:

Item Number 1.a. Initial permission to accept employment.

Item Number 1.b. Replacement of a lost, stolen, or damaged EAD, or correction of your EAD not due to 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 these Instructions for further details.

Item Number 1.c. Renewal of your permission to accept employment. If you select **Item Number 1.c.**, attach a copy of your previous EAD.

Part 2. Information About You

Item Numbers 1.a. - 1.c. Your Full Legal Name. Provide your full legal name as shown on your birth certificate or legal change of name document in the spaces provided.

Item Numbers 2.a. - 4.c. 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**.

Item Numbers 5.a. - 5.f. Your U.S. Mailing Address. You must provide a valid mailing address in the United States. You may list a valid U.S. residence, APO, or commercial address. You may also list a U.S. Post Office address (PO Box) if that is how you receive your mail. If your mail is sent to someone other than yourself, please include an "In Care Of Name" as part of your mailing address. If your U.S. mailing address is in a U.S. territory and it contains an urbanization name, list the urbanization name in the "In Care Of Name" space provided. We will send your EAD to this address. Do not use the attorney's or other legal representative's address.

Item Numbers 6. - 7.e. U.S. Physical Address. Type or print your physical address in the spaces provided.

Item Number 8. Alien Registration Number (A-Number) (if any). *(OISS note: F-1 students usually do not have A-Numbers.)*

Item Number 9. USCIS Online Account Number (if any). *(OISS Note: Do NOT file OPT or STEM OPT online.)*

Item Number 10. Gender. Select the box that indicates whether you are male or female.

Item Number 11. Marital Status. Select the box that describes the marital status you have on the date you file Form I-765.

Item Numbers 12. Previous Application for Employment Authorization from USCIS. If you have applied for employment authorization in the past, select "Yes" for **Item Number 12.** Provide copies of your previous EADs, if available.

Item Numbers 13.a. - 17.b. Questions regarding Social Security Number (SSN). Item Number 13.a. asks you if the Social Security Administration (SSA) has ever officially issued you a Social Security card. If the SSA ever issued a Social Security card to you in your name or a previously used name such as your maiden name, then you must enter the SSN from your card in **Item Number 13.b.**

If your request for employment authorization is approved, the SSA may assign you an SSN and issue you a Social Security card, or issue you a replacement card. If you want the SSA to assign you a Social Security number and issue you a Social Security card, or issue you a new or replacement Social Security card, then answer "Yes" to both **Item Number 14.** and **Item Number 15.** You must also provide your father's and mother's family and given names at birth in **Item Numbers 16.a. - 17.b.** SSA will use **Item Numbers 16.a. -17.b.** in issuing you a Social Security card.

You are not required to request an SSN using this application. Completing **Item Numbers 14. - 17.b.** is optional. However, you must have an SSN properly assigned in your name to work in the United States.

NOTE: If your employer uses E-Verify to confirm new employees' eligibility to legally work in the United States, the information you provide on Form I-9, Employment Eligibility Verification, will be compared to data in SSA and DHS databases. Employees must have an SSN in order for E-Verify to confirm their eligibility to legally work in the United States.

Item Number 18.a. - 18.b. Country or Countries of Citizenship or Nationality. Type or print the name of the country or countries where you are currently a citizen or national.

1. If you are stateless, type or print the name of the country where you were last a citizen or national.
2. If you are a citizen or national of more than one country, type or print the name of the foreign country that issued your last passport.

Item Numbers 19.a. - 19.c. Place of Birth. Enter the name of the city, town, or village; state or province; and country where you were born. Type or print the name of the country as it was named when you were born, even if the country's name has changed or the country no longer exists.

Item Number 20. Date of Birth. Enter your date of birth in mm/dd/yyyy format in the space provided. For example, type or print October 5, 1967 as 10/05/1967.

Item Numbers 21.a. - 21.e. Form I-94 Arrival-Departure Record. You may visit the CBP website at **https://i94.cbp.dhs.gov/I94/#/home** to obtain a paper version of an electronic Form I-94.

Item Number 22. Date of Your Last Arrival Into the United States, On or About. Provide the date on which you last entered the United States in mm/dd/yyyy format.

Item Number 23. Place of Your Last Arrival Into the United States. Provide the location where you last entered the United States.

Item Number 24. Immigration Status at Your Last Arrival. Provide the letter and number that correlates with your status when you last entered the United States. For example, if you last entered the United States as a **temporary visitor for pleasure**, **B-2**, type or print "B-2 visitor" in the space provided.

Item Number 25. Your Current Immigration Status or Category. Provide your current immigration status. For example, if your current status is **student academic**, **F-1**, type or print "F**-**1 student" in the space provided.

Item Number 26. Student and Exchange Visitor Information System (SEVIS) Number. (*OISS note: SEVIS Number is on your I-20***)**

Item Number 27. Eligibility Category. (*OISS Note:* **(c)(3)(B)** *for Post-Completion OPT* **i.e.** *if your starting date is after completing degree program or PhD coursework*; **(c)(3)(C)** *for STEM OPT extension).*

Item Numbers 28. - 28.c. (c)(3)(C) STEM OPT Eligibility Category. If you entered eligibility category **(c)(3)(C)** in **Item Number 27.**, provide your degree level and major (for example, Bachelor's degree in English), your employer's name as listed in E-Verify, your employer's E-Verify Company Identification Number, or a valid E-Verify Client Company Identification Number in the spaces provided.

Item Number 29. (c)(26) Eligibility Category.   (*OISS Note: N/A for OPT or STEM OPT application)*

Item Number 30. (c)(8) Eligibility Category. (*OISS Note: N/A for OPT or STEM OPT application)*

Item Number 31.a. - 31.b. (c)(35) and (c)(36) Eligibility Category. (*OISS Note: N/A for OPT or STEM OPT application)*

Item Number 31.a. - 31.b. (c)(35) and (c)(36) Eligibility Category. (*OISS Note: N/A for OPT or STEM OPT application)*

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

Item Numbers 1.a. - 7.b. Select the appropriate box to indicate whether you read this application yourself or whether you had an interpreter assist you. (*OISS Note: No interpreter should be needed for OPT or STEM OPT application.)*

What Is the Filing Fee?

The filing fee for Form I-765 is **$410**.

NOTE: The filing fee is not refundable, regardless of any action USCIS takes on this application. **DO NOT MAIL CASH.** You must submit all fees in the exact amounts.

Payments by Check or Money Order

Use the following guidelines when you prepare your check or money order for the Form I-765 filing fee:

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; **and**

2. Make the check or money order payable to **U.S. Department of Homeland Security.**

NOTE: Spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

Notice to Those Paying by Check. If you send USCIS a check, we will convert it into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and your bank will show it on your regular account statement.

You will not receive your original check back. We will destroy your original check, but will keep a copy of it. If USCIS cannot process the EFT for technical reasons, you authorize us to process the copy in place of your original check. If your check is returned as unpayable, we will re-submit the payment to the financial institution one time. If the check is returned as unpayable a second time, we will reject your application and charge you a returned check fee.

Payments by Credit Card

Please see Form G-1450, Authorization for Credit Card Transactions, at **www.uscis.gov/G-1450** for more information.

How To Check If the Fees Are Correct

Form I-765's filing fee is current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify that the fee is correct by following one of the steps below.

1. Visit the USCIS website at **www.uscis.gov**, select "FORMS," and check the appropriate fee; or

2. Call the USCIS National Customer Service Center at **1-800-375-5283** and ask for fee information. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Fee Waiver

You may be eligible for a fee waiver under 8 CFR 103.7(c). If you believe you are eligible for a fee waiver, complete Form I-912, Request for Fee Waiver (or a written request), and submit it and any required evidence of your inability to pay the filing fee with this application. You can review the fee waiver guidance at www.uscis.gov/feewaiver.

Where to File?

OISS will provide instructions for where and how to mail your OPT or STEM OPT application to USCIS.

Address Change

For information on filing a change of address, go to the USCIS website at **www.uscis.gov/addresschange** or contact the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

NOTE: Do not submit a change of address request to the USCIS Lockbox facilities because the Lockbox does not process change of address requests.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-765, we will deny your Form I-765 and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

SSA Privacy Act Statement

Sections 205(c) and 702 of the Social Security Act authorizes SSA to collect information to assign you an SSN and issue a Social Security card. The information you furnish on this application is voluntary. However, failure to provide the requested information may prevent SSA from issuing you an SSN and Social Security card. SSA will maintain the information used to assign you an SSN and issue you a Social Security card in SSA's system of records [Master Files of Social Security Number (SSN) Holders and SSN Applications, 60-0058]. Complete lists of approved routine uses for the information used to assign you an SSN and issue you a Social Security card are available in the System of Records Notice 60-0058, available at www.ssa.gov.

DHS Privacy Notice

AUTHORITIES: The information requested on this application, and the associated evidence, is collected under the Immigration and Nationality Act, 8 U.S.C. section 1324a, and 8 CFR 274a.13.

PURPOSE: The primary purpose for providing the requested information on this application is to determine eligibility for certain aliens who are temporarily in the United States requesting an Employment Authorization Document. DHS uses the information you provide to grant or deny the benefit you are seeking.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, including your Social Security number (if applicable), and any requested evidence, may delay a final decision or result in denial of your application.

ROUTINE USES: DHS may, where allowable under relevant confidentiality provisions, share the information you provide on this application and any additional requested evidence with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses, as described in the associated published system of records notices [DHS/USCIS-001 – Alien File, Index, and National File Tracking System; DHS/USCIS-007 – Benefit Information System; DHS/USCIS-010 – Asylum Information and Pre-Screening; and DHS/USCIS-017 Refugee Case Processing and Security Screening Information System] and the published privacy impact assessments [DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System and Associated Systems; DHS/USCIS/PIA-027 Asylum Division; DHS/USCIS/PIA-056 USCIS Electronic Immigration System; and DHS/USCIS/PIA-068 Refugee Case Processing and Security Vetting], which you can find at **www.dhs.gov/privacy**. DHS may also share this information as appropriate for law enforcement purposes or in the interest of national security.

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 Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated at 4 hours and 30 minutes per response, including the time for reviewing instructions, gathering the required documentation and information, completing the application, preparing statements, attaching necessary documentation, and submitting the application. The public reporting burden for the collection of information for Form I-765WS is estimated at 30 minutes per response, including the time for reviewing instructions, gathering the required documentation and information, completing the application, preparing statements, attaching necessary documentation, and submitting the application. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0040. **Do not mail your completed Form I-765 to this address.**