



Welcome the stranger.  
Protect the refugee.

# Employment Authorization Toolkit

For Pro Bono Attorneys

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## About HIAS

There have never been more people seeking safety and so few places willing to protect and welcome them. Over 100 million people are forcibly displaced. Governments should be taking responsibility to support them, but instead, their responses are unacceptable. Founded in the late 1800s, HIAS is there for refugees when and where they need help most. We are a Jewish humanitarian organization that works in the United States and 20+ other countries and work through a network of affiliates in more than 20 cities around the US, providing vital services to refugees and asylum seekers of all faiths so they can rebuild their lives in safety, and with dignity. With the Jewish community beside us, we also advocate for the rights of forcibly displaced people globally. Over our expansive history, we've confronted—and overcome—formidable challenges facing refugees. Today, we are a leader with the expertise, partnerships, and values necessary to respond to the global crisis. Refugees deserve a world in which they find welcome, safety, and freedom. With you, we can create it. Join us.

- **Learn** about the global refugee crisis and how to make our world safer and more welcoming.
- [Visit HIAS.org](https://www.hias.org) to learn about our work in the U.S. and around the world.
- **Donate to HIAS**, or directly to [HIAS' Legal Team](#). Your gift will make an immediate impact on the lives of refugees and asylum seekers.
- **Take action**. Speak up, show up, or organize your community to advocate for the rights of refugees and asylum seekers everywhere.
- **Volunteer** your time and talents directly to help refugees and asylum seekers near you.
- **Welcome the Stranger**. Learn about the Jewish values we bring to our work and how you can live them out every day.
- **Follow HIAS on social media** ([Facebook](#) – [Instagram](#) – [Twitter](#)) to stay informed on refugee news and ways to help.

## About the EAD Toolkit

This toolkit is intended to be useful for HIAS Pro Bono Attorneys, who are most commonly preparing employment authorization documents for clients who are refugees, asylees, asylum-seekers, parolees, or green card applicants. As you'll see below, we've broken down some of the ways in which this application may be different depending on the client's status. This toolkit is not intended to provide information about every potential basis that a non-citizen may qualify for or seek employment authorization. If your client's basis for seeking employment authorization is not covered in this toolkit, or you have other questions, please contact your HIAS mentor, or HIAS' Pro Bono and Partnerships team at [probono@hias.org](mailto:probono@hias.org).

## About Employment Authorization Documents (EADs)

### What is an Employment Authorization Document (EAD)?

An EAD is an identity document issued by U.S. Citizenship and Immigration Services (USCIS) to certain noncitizens to help them establish that they are permitted by U.S. law to seek and obtain employment in the U.S.

### Who is eligible for work authorization?

A noncitizen may not simply apply for work authorization; they must first have an underlying immigration status or immigration case that provides a legal basis for qualifying for work authorization.

There are several ways in which a noncitizen may become eligible for an EAD. The different ways in which a noncitizen is eligible for an EAD are noted on the EAD cards as specific category codes. The category code refers to the section of 8 CFR 274a.12, which provides the legal basis for USCIS to issue the EAD in that particular category. For example, the classification code “A03” refers to 8 CFR 274a.12(a)(3), which provides refugees with the right to employment authorization. Refugees therefore apply for EADs under category (a)(3) and USCIS accordingly issues the EADs under category (a)(3). Asylum seekers are eligible for work authorization under category (c)(8), and asylees (those granted asylum) are eligible for work authorization under category (a)(5).



Some noncitizens are automatically authorized to work incident to their immigration status, while others must specifically apply for employment authorization to work and are only authorized to work for the period specified on their EAD. For example, a noncitizen who was paroled into the U.S., or who has a pending asylum application ***must apply*** for employment authorization to work; they are not permitted to work without an EAD card, and if granted, are only permitted to work during the validity period issued on the EAD. In contrast, a noncitizen granted refugee or asylee status is ***authorized to work incident to their status***, meaning they are legally allowed to work simply because they are a refugee or an asylee. Although refugees and asylees do not need to apply for EAD cards, many choose to do so, as it can make it easier to prove authorization to work and acts as a form of government issued photo ID.

### How do I apply for work authorization for my client?

Complete [Form I-765, Application for Employment Authorization](#) and file it with **Form G-28, Notice of Entry of Appearance of Attorney**, along with the required evidence. You may also need to include either a filing fee or a fee waiver request on [Form I-912](#). Additional information, including sample filings, is included below.

## EADs for Asylees and Refugees

### Asylees, EAD category (a)(5)

Although asylees are automatically eligible to work in the U.S., incident to their status, many asylees still like having a valid EAD, as it can make it easier to prove eligibility to work, and it serves as a useful form of government-issued photo ID. EADs under category (a)(5) are typically valid for 2 years.

***Asylees Granted Status at the USCIS Asylum Office:*** If your client is granted asylum at the asylum office, USCIS will automatically generate and send an EAD under category (a)(5).

***Asylees Granted Status at the Immigration Court:*** If your client is granted asylum by the immigration court, and would like an EAD, they must file a Form I-765 with USCIS to request an EAD under category (a)(5).

***Fees for an Asylee EAD:*** There is no filing fee for an initial EAD filed under category (a)(5). However, if an asylee wishes to renew their category (a)(5) EAD, they must pay a fee of \$410, or request a fee waiver on Form I-912.

***Renewing an Asylee EAD:*** If your client already holds a category (a)(5) EAD and wants to renew it, we recommend filing your client's renewal application 4-6 months before their current card expires due to extensive processing delays by USCIS. Please note, applications submitted any earlier than 6 months prior to the expiration date will likely be rejected by USCIS.

***Automatic Extension:*** If a renewal application is submitted before the current EAD expires, and before October 26, 2023, USCIS will automatically extend the validity of the EAD for 540 days. If a renewal application is submitted before the current EAD expires, and after October 26, 2023, USCIS will automatically extend the validity of the EAD for 180 days. The automatic extension only applies if the EAD renewal is filed in the same category as the prior EAD. For more information on this policy, see the USCIS website: <https://www.uscis.gov/eadautoextend>

***EADs and Lawful Permanent Residency:*** An asylee is eligible to apply for Lawful Permanent Residency (a "green card") after holding asylee status for one year. Because EADs issued in category (a)(5) are granted for two years, an asylee may not need to renew their EAD issued under category (a)(5). Some noncitizens who apply for Lawful Permanent Residency (called adjustment of status) qualify for EADs under a separate adjustment-of-status-pending category, however asylees still apply for EADs under the asylee-based category, (a)(5), even if they have a pending adjustment of status application.

## Refugees, EAD category (a)(3)

Refugees typically receive their initial EADs in category (a)(3) at the time they arrive in the U.S. Although refugees are eligible to work incident to their status, many refugees still like having a valid EAD, as it can make it easier to prove eligibility to work, and it serves as a useful form of government-issued photo ID. EADs in category (a)(3) EADs are valid for 2 years.

**Fees for a Refugee EAD:** There is no filing fee for an initial EAD filed under category (a)(3). However, if a refugee wishes to renew their category (a)(3) EAD, they must pay a fee of \$410, or request a fee waiver on Form I-912.

**Renewing a Refugee EAD:** If your client wants to renew their EAD, we recommend filing your client's renewal application 6 months before their current card expires due to extensive USCIS processing delays. Please note, applications submitted any earlier than 6 months prior to the expiration date will be rejected by USCIS.

**Automatic Extension:** If a renewal application is submitted before the current EAD expires, and before October 26, 2023, USCIS will automatically extend the validity of the EAD for 540 days. If a renewal application is submitted before the current EAD expires, and after October 26, 2023, USCIS will automatically extend the validity of the EAD for 180 days. The automatic extension only applies if the EAD renewal is filed in the same category as the prior EAD. For more information on this policy, see the USCIS website: <https://www.uscis.gov/eadautoextend>

**EADs and Lawful Permanent Residency:** A refugee is required by statute to apply for Lawful Permanent Residency (a "green card") after entering the U.S. as a refugee. Because EADs issued in category (a)(3) are granted for two years, a refugee may not need to renew their EAD issued under category (a)(3). Some noncitizens who apply for Lawful Permanent Residency (called adjustment of status) qualify for EADs under a separate adjustment-of-status-pending category ((c)(9), see below), refugees still apply for EADs under the refugee-based category, (a)(3) even if they have a pending adjustment of status application.

## EADs for TPS Holders and Applicants

### Background on TPS

Temporary Protected Status (TPS) is a short-term immigration benefit for individuals who are unable to return to their home country safely due to conditions or circumstances preventing the home country from adequately handling the noncitizens' return. Such circumstances may include: ongoing armed conflict; natural disaster (like earthquake, flood, drought, epidemic, or other environmental disaster); or other "extraordinary and temporary conditions" which prevent the citizens of that country from returning in safety. Eligible individuals can apply for TPS and, if granted, enjoy a temporary protection from immigration enforcement or deportation (typically 6, 12, or 18 months in duration) as well as employment authorization.

### EADs for TPS Applicants, Category (a)(12)

Applicants are eligible to apply for a TPS-based EAD if they meet the TPS eligibility requirements and are granted TPS. [See more here on TPS eligibility](#). The TPS-based EAD application can be filed at the same time as the Application for TPS, or separately at a later date.

**Fees for an EADs for TPS:** if you are filing an initial TPS based EAD application and your client is under 14 years old or 66 and older –there is no fee for such application. There is a fee of \$410 if your client is 14-65 years old and filing for an initial TPS based EAD. There is a fee of \$410 for all applicants (no exceptions due to age) if renewing a TPS based EAD (make sure to check TPS specific fees if filing the EAD with the TPS application).

**Renewing an EADs for TPS:** The government may extend TPS for your client's country. If the government extends TPS for your client's country, your client must re-register for TPS and apply for a new EAD to keep working. Sometimes, the government also extends TPS EADs. USCIS will announce whether your client's EAD automatically has a new expiration date so they can keep working while they wait for a new EAD. Go to [www.uscis.gov/tps](http://www.uscis.gov/tps) for information on TPS for your client's country for more information. If the government does not automatically extend your client's EAD but they have applied to renew their TPS EAD **before** its expiration, they will benefit from an [automatic extension](#) of their current EAD.

## EADs for Asylum Applicants

### EADs for Asylum Applicants, Category (c)(8)

**EADs for Asylum Applicants (Initial):** An asylum seeker is eligible to apply for an initial work authorization 150 days after filing their application for asylum on Form I-589. Keep in mind that applicant-caused delays, including requests for continuances or requests to reschedule an asylum interview, may stop the “clock” that counts towards 150 days, and accordingly may impact a client’s ability to file for employment authorization.

**Renewing an Asylum Applicant’s EAD:** If your client already holds a category (c)(8) EAD and wants to renew it, we recommend filing your client’s renewal application 4-6 months before their current card expires. Please note, applications submitted any earlier than 6 months prior to the expiration date will be rejected by USCIS.

*Automatic Extension:* If a renewal application is submitted *before* the current EAD expires, and *before* October 26, 2023, USCIS will automatically extend the validity of the EAD for 540 days. If a renewal application is submitted *before* the current EAD expires, and *after* October 26, 2023, USCIS will automatically extend the validity of the EAD for 180 days. The automatic extension only applies if the EAD renewal is filed in the same category as the prior EAD. For more information on this policy, see the USCIS website: <https://www.uscis.gov/eadautoextend>

**Fees for an Asylum Applicant’s EAD:** There is no filing fee for an *initial* EAD filed under category (c)(8). However, if an asylum seeker wishes to *renew* their category (c)(8) EAD, they must pay a fee of \$410, or request a fee waiver on Form I-912. Applicants for employment authorization in the (c)(8) category should not submit the \$85 biometric services fee with your Form I-765. USCIS no longer requires the biometric services fee and submitting it may cause us to reject your application for overpayment.



## EADs for Adjustment of Status (Green Card) Applicants

### Background on EADs for Green Card Applicants

An individual applying to adjust status (i.e., applying for a green card) under section 245 of the Immigration and Nationality Act is eligible for work authorization while their application for a green card is pending. An individual may be eligible to apply to adjust status – and eligible for an EAD while their case is pending – if they are the beneficiary of an approved family or employment-based immigration petition, or special self-petition, like Special Immigrant Afghans (known as “SIVs,” who assisted the U.S. military or International Allied Forces abroad), or Special Immigrant Juveniles (known as “SIJs,” who were abused, abandoned, or neglected by a parent). Recall, as noted above, that refugees and asylees do not qualify for work authorization under this section because they adjust status under a different section of the Immigration and Nationality Act.

### EADs for Adjustment of Status, Category (c)(9)

**Attachments for an Adjustment of Status EAD:** An applicant may file their EAD based on a pending adjustment of status application concurrently with their adjustment of status application, or at a later date. If the EAD application is filed later, the applicant should include a copy of the I-485 receipt notice.

**Fees for an Adjustment-Pending EAD:** \$410. No biometrics fee is required for an adjustment-pending-based EAD.

- If your client paid the filing fee for the Adjustment of Status (I-485) application, there is no fee for the adjustment-pending-based EAD.
- If your client requested or obtained a fee waiver for their Adjustment of Status application, your client does need to either pay the EAD application fee or request a fee waiver for the EAD application as well (using Form I-912). If filing the EAD application concurrently with the Adjustment of Status application, the request for the fee waiver can be made for both applications on the same Form I-912.

**Renewing an Adjustment-Pending EAD:** We recommend filing a renewal application 4-6 months before the current card expires, due to processing delays. USCIS may reject an application submitted any earlier than 6 months prior to the expiration date of the prior card.

**Automatic Extension:** If a renewal application is submitted before the current EAD expires, and before October 26, 2023, USCIS will automatically extend the validity of the EAD for 540 days. If a renewal application is submitted before the current EAD expires, and after October 26, 2023, USCIS will automatically extend the validity of the EAD for 180 days. The automatic extension only applies if the EAD renewal is filed in the same category as the prior EAD. For more information on this policy, see the USCIS website: <https://www.uscis.gov/eadautoextend>

## EADs for Parolees

### Background on EADs for Parolees

Humanitarian Parole, also known as Public Interest Parole, is a tool used by the U.S. government to grant certain foreign nationals entry to the United States notwithstanding that they do not have a visa or other lawful basis to enter. Individuals who are outside of the U.S. may request parole into the United States based on urgent humanitarian need or significant public benefit reasons.

Parole is considered on a case-by-case basis, and if granted, it is authorized only for a temporary period, specifically noted by DHS (Department of Homeland Security). A parolee is not eligible to work immediately after arrival in the U.S. but can apply for employment authorization based on their parole status; they must apply for and receive an Employment Authorization Document in order to work.

Afghan and Ukrainian parolees who entered the U.S. via special parole processes (including Afghans who were “port paroled” into the U.S., and Ukrainians who entered under the “Uniting for Ukraine” program) apply for and are granted EADs under the same C(11) category as all other parolees.

### EADs for Parolees, Category (c)(11)

**Attachments for a Parole EAD:** Be sure to include a copy of the applicant’s I-94 entry document, which establishes that they entered the U.S. on parole.

**Fees for a Parole EAD:** Most parolees applying for an EAD must pay a filing fee of \$410, or request a fee waiver on Form I-912. USCIS announced that Afghan and Ukrainian parolee applicants are exempt from this EAD filing fee when filing an initial EAD application. For all other applicants, the fee is \$410. No biometrics fee is required for parole-based EADs.

**Renewing a Parole EAD:** Typically, USCIS will grant an EAD for the same duration as the individual’s parole validity. Therefore, a parolee would only be able to renew their EAD if they first obtained a new parole authorization. Note that Afghan and Ukrainian parolees typically receive parole status for a two-year period. Their EADs should expire on the same day as their parole status.

### EADs for Afghan and Ukrainian Parolees, Category (c)(11)

Generally, Afghans and Ukrainians who were paroled into the United States will apply for and receive EADs under the same category as other parolees – category (c)(11).

**Eligibility to Work Based on Parole Status:** Starting on Nov. 21, 2022, Afghan and Ukrainian parolees will be considered employment authorized based on their parole status. Afghan and Ukrainian parolees may show employers, or potential employers, their I-94 record to establish

initial employment eligibility for 90 days. After 90 days, they will need to show their employer their EAD card to maintain employment. Ukrainian and Afghan parolees should still file a Form I-765 to receive their EAD card as soon as possible to ensure that they are able to show their employer their EAD when required to do so.

***Fees for Parole EADs for Afghans and Ukrainians:*** USCIS is exempting the filing fee for eligible Afghan and Ukrainian parolees, both for paper and online filings.

***Special Considerations:*** For specific information on the employment rights of Afghans and Ukrainians, review the information provided on the U.S. Department of Justice webpage: Here for [Afghans](#), and here for [Ukrainians](#).

## EADs for Deferred Action Recipients

### Background on EADs for Deferred Action Recipients

Deferred action, according to USCIS, is an “act of prosecutorial discretion” to defer removal of a noncitizen from the United States for a certain period of time. Persons granted deferred action are eligible to apply for employment authorization under 8 CFR § 274a.12(c)(14). Deferred action (c)(14) EADs are available individuals with an approved I-360 based on Special Immigrant Juvenile Status (SIJS for abused/abandoned children), as well as certain U visa applicants (victims of certain crimes) who have received bona fide determinations on their applications, among others.

### EADs for Special Immigrant Juveniles with Deferred Action, Category (c)(14)

In May 2022, USCIS announced that it would begin issuing Deferred Action to Special Immigrant Juveniles with approved I-360 Petitions, in light of the delay that certain Special Immigrant Juveniles (citizens of El Salvador, Guatemala, Honduras, and Mexico) face before being eligible to seek adjustment of status (and accordingly, employment eligibility based on a pending adjustment of status application). Now, Special Immigrant Juveniles with Deferred Action may seek and obtain employment authorization while they wait to become eligible to apply for Adjustment of Status.

**Attachments for EADs for Applicants with Deferred Action:** The applicant should include a copy of the USCIS approval notice for their I-360 Petition, which should note the granting of deferred action.

**Fees for EADs for Applicants with Deferred Action (c)(14):** \$410. No biometrics fee is required for applicants with Deferred Action.

**Renewing an EAD for Applicants with Deferred Action (c)(14):** Individuals with Deferred Action EADs should file to renew their EAD well in advance of its expiration date. EAD holders under this category are not eligible for an automatic extension of their EAD while the renewal is pending.

## Filing Fees and Fee Waivers

### Filing Fees

As noted above, filing fees for EADs may vary, depending on the EAD category, and whether the application is an initial or renewal filing. HIAS strongly recommends confirming the current USCIS Filing Fee through the USCIS website, before submitting any application. That information can be found [here](#).

**Fee Waiver Requests** An EAD applicant may be eligible for a fee waiver if they can show at least one of the following:

- Their income is at or below 150% of the federal [poverty guidelines](#).
- They are receiving a “means-tested” government benefit. A means-tested benefit is a benefit given after considering the applicant’s income and other resources. A means-tested benefit may be federally, state, or locally funded. In general, if your client receives a benefit that was granted to them based on their income, it is considered a means-tested benefit.
  - Examples of benefits that USCIS will consider for the purposes of determining eligibility for a fee waiver include: Medicaid, Supplemental Nutrition Assistance Program (SNAP, formerly called Food Stamps), Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI)
  - Examples of benefits that USCIS will NOT consider include: Medicare, Unemployment benefits, Social Security benefits, Social Security Disability Insurance (SSDI), Retirement, Survivors and Disability Insurance (RSDI), Student financial aid/loans/grants.
- They can demonstrate a financial hardship (for example, recent unemployment or a medical emergency). USCIS rarely approves fee waiver requests made solely on these grounds, so any request made on this basis must be extremely well documented.
- Request a fee waiver on [Form I-912](#). Sample forms are included below.

## Considerations for EAD Filings and FAQs

### **1. If my client already has an EAD, but is applying under a new category, are they considered filing an “initial” application or a “renewal” application?**

An EAD application is considered “initial” if it is the first time the applicant is filing *in that category*. For example, Maria obtained an initial EAD under category (c)(8) while her application for asylum was pending and filed a renewal EAD under category (c)(8) when her application was still pending; now that she was granted asylum, even though she was previously granted EADs in the past, she files an *initial* EAD application under category (a)(5).

### **2. Can my client’s spouse / minor child get an EAD?**

U.S.-based derivative beneficiaries of certain asylum applicants can qualify for an EAD, even if they do not have their own independent asylum application pending. The family member must be subject to the same jurisdiction as the client. For example, if the asylum applicant’s case is pending before the asylum office, the derivative spouse or minor child is eligible for an EAD only if they are not currently, and were not previously, in removal proceedings; if the asylum applicant’s case is pending before the immigration court, the derivative spouse or child must be also have an active case before the immigration court, and their case must be joined to the principal asylum applicant’s case.

For other EAD categories, your client’s spouse/minor child may need to be eligible for an EAD in their own right. For example, if their entire family has applied for TPS, or was paroled into the U.S., everyone can apply for EADs.

Family members located abroad are not eligible for EADs.

If you have questions about whether your client’s spouse or minor child is eligible for an EAD, contact your HIAS mentor.

### **3. How can my asylee or refugee client show they are eligible to work without a valid EAD?**

Refugees and asylees are eligible to work as a result of their status, and they do not need valid EADs to work. They can prove their eligibility to work by showing an employer their “unrestricted” social security card, a state-issued ID, and proof of status (i.e., their I94). However, some refugees and asylees prefer having an EAD, as it also acts as a government issued photo ID. Some refugees and asylees are also afraid that they will lose their jobs if they do not have a valid EAD. Some still face problems with their employers without an EAD, as many employers are used to seeing EADs (as opposed to other documents) as proof of an employee’s lawful immigration status.

Sample letters to employers explaining why refugees and asylees do not need valid EADs are available in the appendix below.

#### 4. What evidence do I include in my EAD filing?

See samples below. Be sure to include the following:

- Two passport style photos (write the clients name & A# on the back in pencil or lightly in black ink)
- Copies of the following (if they have these)
  - Biographic page of passport (if they have one)
  - Proof of EAD eligibility
    - For asylum applicants: I-589 receipt notice; stamped copy of I-589
    - For asylees: Asylum grant letter; immigration court decision; I94
    - For refugees: I94
    - For parolees: I94 or passport stamp (showing parole entry)
    - For special immigrant juvenile cases with deferred action: I-360 approval
  - Current EAD (for renewal applications)

Also include a completed *G-28, Notice of Entry of Appearance* and a cover letter.

#### 5. How does my client submit payment for the filing fee?

An EAD applicant may pay the filing fee with a money order, a personal check, or cashier's check. If the fee is paid by check or money order, it must be made payable to: "U.S. Department of Homeland Security." We recommend writing the client's name and A# on the Memo line of the check, as well.

If the client is submitting their application at a USCIS Lockbox facility, they may also pay by credit card using [Form G-1450, Authorization for Credit Card Transactions](#). Note that Service centers are not able to process credit card payments.

Filing fees and biometrics fees are non-refundable, regardless of what action USCIS takes on the application.

#### 6. Do I need my client to sign a new retainer agreement if I am helping them file an I-765?

Unless your original retainer agreement with the client already notes that you will prepare an I-765 on the client's behalf, HIAS recommends that pro bono attorneys have their clients sign a new retainer agreement specifically for representation in an application for an EAD.

#### 7. My client is applying for (or applied for) Adjustment of Status – are they eligible for an EAD under category (c)(9) – Pending Adjustment of Status?

EAD category (c)(9) is for individuals who qualify to adjust status under a specific section of the law - section 245 of the Immigration and Nationality Act – and may include Special Immigrants (Afghan Allies, or Special Immigrant Juveniles), or individuals who are the beneficiaries of approved family or employment-based immigrant visa petitions (I-130s or I-140s).

Refugees and Asylees qualify to adjust status under a separate section of the law, and do not file EADs under category (c)(9).

If you are filing for an EAD renewal for a refugee or asylee who has a pending I-485, Adjustment of Status application, your client will still apply under categories (a)(3) [refugees] or (a)(5) [asylees]. Review the I-765 Instructions [available here](#), for more information.

**8. How can I prove that my client's income is at or below 150% of the federal poverty guidelines so that they can get the filing fee waived?**

If your client filed their income taxes, either using their valid Social Security number or a Tax I.D. Number (ITIN), including a copy of their most recent tax returns is an easy way to prove income. Consider including copies of their most recent paystubs or proof of unemployment benefits, especially if filing later in the calendar year (when last year's tax returns may be outdated). Other potential evidence might include copies of their bank account information or a letter from their employer.

**9. When should I file my client's Application to Renew their EAD?**

EAD Applicants in certain categories benefit from an automatic extension of their EAD validity. Under a temporary policy, their EADs will be extended for 540-days if the EAD renewal application is filed *prior to* the expiry of their current EAD. Nonetheless, we do recommend filing an Application to Renew an EAD six (6) months before a client's current document expires, due to extraordinary delays in USCIS processing times, to mitigate the chances of your client facing a lapse in employment authorization. For clients whose EAD-eligibility category does not provide an automatic extension, we recommend filing to renew the EAD no later than 6 months before the current EAD expires.

**10. Will my client's social security card be "restricted"? How do they qualify for an "unrestricted" social security card, and how can the social security card be changed?**

Individuals whose employment authorization is dependent on holding a valid EAD (like parolees, or individuals with asylum applications pending) will be issued a "restricted" social security card with the words "VALID FOR WORK ONLY WITH DHS AUTHORIZATION" printed on it. As noted above, several categories of EAD-holders may only work *if* they have a valid EAD, and *so long as* the EAD is unexpired.

In contrast, some individuals are eligible to work in the U.S. based on their immigration status, and independent of their EAD, like refugees and asylees. These individuals, as well as green card holders, are entitled to "unrestricted" social security cards, which will not bear the "VALID FOR WORK ONLY WITH DHS AUTHORIZATION" language. If and when an individual changes their status (for example, from asylum-seeker to asylee, or from adjustment applicant to green card holder), they may return to the social security office with their proof of status and request that a new, unrestricted card be issued.



## EAD Filing Checklist

### Initial Application

Client Name: \_\_\_\_\_

EAD Category: \_\_\_\_\_

- Cover Letter
- Form G-28
- Two (2) identical passport style photos
- Form I-765

### Proof of I-765 Eligibility

- Category (a)(5): Asylum Approval Letter or IJ Asylum Grant/I-94*
  - Category (a)(3): I-94*
  - Category (a)(12): If not filing together with the TPS application, copy of TPS receipt or approval notice*
  - Category (c)(8): Proof of pending asylum application, including I-589 Receipt Notice from USCIS, or Immigration Court stamped copy of Form I-589 and EOIR Hearing Notice*
  - Category (c)(8), for derivative child/spouse of asylum applicant: Copy of the first three pages filed I-589 and copy of proof of relationship (birth/marriage certificate and certified English translation)*
  - Category (c)(11): Proof of entry on Parole*
  - Category (c)(14): Proof of I-360 Approval (for SIJ cases)*
  - Other: \_\_\_\_\_*
- Copy of the biographic (“photograph”) page of passport\***

## Renewal Application

Client Name: \_\_\_\_\_

Date Current EAD Expires: \_\_\_\_\_

EAD Category: \_\_\_\_\_

- Cover Letter
- Form G-28
- Two (2) identical passport style photos
- Form I-765

### Filing Fee or Form G-1450 or Form I-912 fee waiver request

- Check or Money Order for \$410 made out to the U.S. Department of Homeland Security
- Form I-912, Request for Fee Waiver and proof of fee waiver eligibility

### Proof of I-765 Renewal Eligibility\*

- Category (a)(5): Asylum Approval Letter or IJ Asylum Grant/I-94
  - Category (a)(3): I-94
  - Category (a)(12): If not filing together with the TPS application, copy of TPS receipt or approval notice
  - Category (c)(8): Proof of pending asylum application, including I-589 Receipt Notice from USCIS, or Immigration Court stamped copy of Form I-589 and EOIR Hearing Notice
  - Category (c)(8), for derivative child/spouse of asylum applicant: Copy of the first three pages filed I-589 and copy of proof of relationship (birth/marriage certificate and certified English translation)
  - Category (c)(14): Proof of I-360 Approval (for SIJ cases)
  - Other: \_\_\_\_\_
- Copy of the biographic (“photograph”) page of passport\*
  - Copy of current Employment Authorization card or EAD Approval Notice\*

## Appendix A: Samples and Templates

### Templates

- [Template I-765 Retainer Agreement](#)
- [Template Cover Letters for EAD Applications](#)

### Samples

- [Folder with Sample I-765s](#)
  - As of 9/6/2022, USCIS will require all Employment Authorization Applicants to use a new edition of the form (with 07/26/22 date at the bottom). Be sure to download the newest edition from the [USCIS website](#). Older versions of the form received after 11/7/2022 will be rejected.
- [Sample I-912, Request for Fee Waiver](#)

### Other Resources

- [Resources for Refugees/Asylees w/r/t Work Authorization Incident to Status \(Employer Letters, etc.\)](#)