

EMPLOYMENT AUTHORIZATION DOCUMENT

Employment Authorization Document (EAD) is widely known as a “**work permit**”, issued by USCIS to provide its holder a legal right to work in the United States for a period of time, usually for a year. This is quite similar to green card, but must not be confused with a greencard. This is in a form of a laminated card with the individual's name and photo and expiration date. If you are holding an EAD, you may legally work in the United States for any employer until the expiration date expires.

The EAD or work permit is usually valid for one year. After that one must apply for a renewal EAD. It is recommended that you apply six months before the date your current EAD is scheduled to expire.

WHO IS ELIGIBLE TO APPLY? The categories eligible to obtain Employment Authorization includes the following:

- F-1 student seeking Optional Practical Training (OPT) in an occupation directly related to her studies. After having been enrolled full-time in an approved school for at least nine months, alien students are eligible to apply for an EAD.
- F-1 students offered off-campus employment under the sponsorship of a qualifying international organization.
- F-1 student seeking off-campus employment due to severe economic hardship. Alien applicants must submit any evidence, such as affidavits, which detail the unforeseen economic circumstances that caused the request, as well as evidence that the applicants have tried to find off-campus employment with an employer who has filed a labor and wage attestation.
- J-2 spouse or minor child of an exchange visitor. Applicants must submit a written statement, with supporting evidence, showing that the employment is not necessary to support the J-1, but is for another purpose.
- Adjustment Applicants. After or at the time an alien files for adjustment of status (I-485), the alien applicants may file an EAD application.
- M-1 students seeking practical training after completing their studies.
- K-1 Nonimmigrant Fiancé (e) of a US Citizen or a K-2 Dependent. Applicants can file an EAD application within 90 days from the date of entry.
- Family Unity Program beneficiaries. If aliens have been granted status under this program, they may file an EAD application with a copy of the approval letter.
- L-2 visa holders.
- Asylees (granted asylum).
- Asylum applicants (with a pending asylum application) who filed for asylum on or after January 4, 1995. If the applicant filed a Request for Asylum and for Withholding of Deportation on or after January 4, 1995, he/she must wait at least 150 days before he/she is eligible to apply for an EAD.
- Refugees.

- Those Paroled as a Refugee.
- Those qualified to participate in the Deferred Action for Childhood Arrivals program instituted on June 15, 2012.

To Apply:

1. Visit the United States Citizenship and Immigration Services (USCIS) website and download the I-765 application for employment authorization and the I-765 instruction guide for filling out the form. Those without a computer or Internet access, will need to visit a local library to gain access to both, as the Department of Immigration does not send out forms upon request. The form consists of one page; applicants are required to print and fill out the complete form.
2. Read the instruction guide entirely before attempting to fill out the application form. Be sure you fall under one of the eligible categories before applying. Only those individuals who fall into eligible categories will receive consideration for employment authorization. In addition, each category will have different documentation requirements. Ensure you know which documents should accompany your application and where to get those documents if they are not on hand.
3. Fill out the I-765 after understanding the requirements listed in the instruction guide. Expect the entire process of reading the instruction guide, collecting documentation, and filling out the form to take approximately three and a half hours, according to the USCIS. Ensure when filling out the form that you are providing accurate information. Any form filed with inaccurate information will be rejected with a request to resubmit the form in its entirety.
4. File the form with the USCIS according to the instruction manual. Depending on your location and the category in which you are applying, this may involve filing electronically, sending via postal mail or dropping the form at a lock box. Applicants must follow exactly the instructions provided according to location and category. Failure to do so may result in delays or the outright rejection of the application. Be sure to enclose the \$340.00 filing fee, if required for your filing category, and all documentation required by your filing category. The approval process takes up to 90 days; applicants will receive a decision by either mail or a letter indicating a required visit to a United States Immigration office.

Note: To check the status of your application, please contact the USCIS office that received your application. You should be prepared to provide the USCIS staff with specific information about your application.

To find out more about the procedural steps involved and an estimate of fees, call or email us today for your free in-depth consultation!