



Asylum EAD Training:

The Advocates for
Human Rights

March 13, 2023

Background on your client's work authorization

- ◆ In 2021, Afghan parolees were assisted to apply for employment authorization documents (EADs) in the (c)(11) [Parolee] category.
 - ◆ The earliest issued of these cards will begin expiring August 2023.
 - ◆ This means your client *has* previously submitted an I-765 form.
- ◆ There is not automatic or standalone way to apply for “work authorization,” all work authorization documents are tethered to some immigration application or underlying nonimmigrant status.
- ◆ As of March 13, 2023, there is no way for your client to seek ‘re-parole,’ or renew their (c)(11) EAD.
- ◆ Once someone receives a “green card” she is work authorized and doesn’t need to worry about an EAD anymore.

Two main strategies to maintain work authorization for asylum-applicant parolees

- ◆ Apply for 'pending-asylum' EADs in the (c)(8) category [focus of today's presentation]
- ◆ Apply for Temporary Protected Status (TPS) and an EAD [more complicated but may be necessary in some cases]

UNITED STATES OF AMERICA
EMPLOYMENT AUTHORIZATION

SPECIMEN TEST V 01 JAN 2006



Surname
SPECIMEN

Given Name
TEST V

USCIS#
000-000-811

Category Card#
C09 SRC0000000811

Country of Birth
Ethiopia

Terms and Conditions
None

Date of Birth
01 JAN 1920

Sex
M

Valid From: **01/01/80**

Card Expires: **05/10/11**

NOT VALID FOR REENTRY TO U.S.



(c)(8) EAD Overview

- ◆ Assuming USCIS has all the documents it needs, case processing times are very fast, and clients often receive new cards within a month or two of filing (sometimes a week or two).
- ◆ Typically, the applicant will be given two years of work authorization.
- ◆ The initial application has no filing fee. This is true even if USCIS previously issued the applicant an EAD in another category (such as (c)(11)).
- ◆ Everyone who wants an EAD needs their own I-765 application.
- ◆ Can be filed in paper or online—online cases are being processed faster but may be more difficult to manage for clients who are not tech savvy

Who is eligible to receive a ‘Pending Asylum’ EAD?

- ◆ Must have *pending* asylum application
 - ◆ Must have a receipt from USCIS for I-589 filing
 - ◆ Individuals with approved EADs apply for/receive EADs in a different category.
- ◆ Must have 180 days on the “asylum EAD clock”
 - ◆ “Applicant caused delays” stop the clock
 - ◆ Rescheduled interviews
 - ◆ Missed interviews
 - ◆ Missed biometrics appointments
 - ◆ Applicants can *file* the I-765 when their clock is at 150 days.

What is needed?

- ◆ Cover letter
- ◆ One fresh G-28 per applicant (we do not recommend reusing the G-28 from the I-589 filing)
- ◆ One complete I-765 per applicant
 - ◆ The I-765 form is frequently changed. Be sure to check your edition date if you are doing a paper filing
- ◆ Two passport photos of the applicant
- ◆ Proof of identity/nationality
- ◆ I-797 filing receipt
- ◆ Interview and biometrics notices (if applicable)
- ◆ ASAP membership materials (optional).
- ◆ Other immigration documents may be helpful

Where do you file this?

◆ Check “Direct Filing Addresses” page from USCIS : <https://www.uscis.gov/i-765-addresses>

◆ Currently:

◆ U.S. Postal Service (USPS):

USCIS

Attn: I-765 C08

P.O. Box 650888

Dallas, TX 75265-0888

◆ FedEx, UPS, and DHL deliveries:

USCIS

Attn: I-765 C08 (Box 650888)

2501 S. State Hwy. 121 Business

Suite 400

Lewisville, TX 75067-8003

Sample (c)(8) EAD Filing

Who likely doesn't qualify for a (c)(8) EAD

- ◆ If you haven't filed for asylum yet, your client may not qualify for a (c)(8) EAD
- ◆ If you needed to reschedule an interview, it may be difficult to qualify for a (c)(8) EAD
 - ◆ In my experience USCIS has a lot of difficulty accurately applying its own 'clock' rules
 - ◆ But 180 days post-interview your client should clearly qualify

What to do?

- ◆ You can still assist your client apply for a TPS+EAD application (c)(19) category.
- ◆ We have sample materials, and I can mentor you on these applications
- ◆ These applications take longer than (c)(8) EADs to process. It makes sense to apply soon for TPS if your clients EAD will expire this summer or fall
- ◆ These applications are not free, \$50-\$545 depending on age (likely \$545 for working adults), but you can help your client apply for a fee waiver.

Note about TPS

- ◆ Temporary Protected Status is an entirely separate legal process from asylum
- ◆ It is similar in some ways to parole
- ◆ It may not be necessary to prioritize in many of your cases, but we may follow up on case-by-case basis if we think it might be important.