



September 14, 2006

Public Notice

New Process for Issuing Employment Authorization Documents to Asylees

Beginning October 1, 2006, the U.S. Citizenship and Immigration Services (USCIS) Asylum Division will implement a new process nationwide for issuing secure Employment Authorization Documents (EADs) to applicants who are granted asylum by a USCIS Asylum Office. Under existing regulations, asylees are eligible to work in the United States incident to their asylum status. Previously, USCIS Asylum Offices issued provisional Form I-688B cards evidencing employment authorization to asylees interviewed at a local Asylum Office on the same date they received their asylum approval letters. Those who were interviewed at an Asylum Office circuit ride location (usually a USCIS District Office) were instructed to return to the District Office to receive their I-688B cards. The I-688B card was issued with a 1-year validity period. Under the new process, asylees will receive in the mail the standard, more secure Form I-766 EAD card in the mail within seven to ten days after the date they are issued their asylum approval letters. The Form I-766 EAD will be issued for a 2-year validity period. This will provide most asylees sufficient time to apply for and receive adjustment of status before the validity period of the EAD expires. In March 2006, the Asylum Division successfully tested this new EAD issuance process in the Arlington Asylum Office during a pilot program and will implement the program in all Asylum Offices throughout the nation by October 1, 2006.

Q: Why is USCIS changing the process for issuing asylees EADs?

A: Changing the process accomplishes several USCIS objectives, including enhancing security, customer service, and efficiency in case processing. This change allows USCIS Asylum Offices to issue more secure documents, as the I-766 is more resistant to tampering than an I-688B. Issuance of the I-766 also offers greater convenience for asylees by providing a more widely circulated and recognizable employment authorization document. Issuance of I-766 EADs also contributes to the agency's goal of relying increasingly on secure means (in this instance, biometric images from the I-766) to verify the status of non-citizens for various purposes, including those asylees hired by employers who are participating in the Basic Pilot employment verification program or a parallel program that verifies status of non-citizen benefit applicants for certain Federal, state and local agencies. While both cards are free of charge, the I-766 for asylees will be issued with a 2-year validity period. The I-688B has been issued for only a 1-year validity period because it is not as secure a document as the I-766. With this extended validity period and the recent elimination of the 10,000 cap on asylee adjustments, it is expected that most new asylees will be able to apply for and receive adjustment of status to lawful permanent resident before their initial EADs expire, which would save asylees the cost of the service fee associated with renewal of EAD cards. Finally, efficiencies in case processing are gained by generating the I-766 through a computer-automated process rather than through the more labor intensive process of generating I-688Bs. In addition, requiring asylees to have secure EADs contributes to the

agency's increasing ability to electronically verify the status of noncitizens for various purposes, such as those who are hired by employers who are participating in the Basic Pilot employment verification program or the similar program that verifies status of noncitizen benefit applicants for certain Federal, state and local agencies.

This change does not modify in any way existing USCIS Asylum Office procedures to issue to asylees approval letters and stamped I-94 Arrival-Departure Records evidencing asylum status, which may be used to obtain a social security card.

Q: How is the new process for obtaining EADs different from the previous process for obtaining EADs?

A: Previously, most applicants who were interviewed at a local Asylum Office and granted asylum received the Form I-688B EAD free of charge on the same day they returned to the Asylum Office to pick up their decision. On that day, the applicant's biometrics (i.e., fingerprint, photograph and signature) were taken at the Asylum Office and then used to manually create a laminated I-688B card on site at the Asylum Office. Those applicants who were interviewed at a circuit ride location and received notice by mail that they had been granted asylum were instructed to go to the local USCIS District Office where the I-688B was produced and provided to the asylee on the same day. The I-688B cards were valid for a period of one year.

Unlike the I-688B, the I-766 is mailed directly to the asylee's residence *within seven to ten days* after the date they are issued their approval letters. The I-766, which is also free, is automatically generated using the applicant's fingerprint, photograph, and signature, which are captured as part of the required fingerprinting process at the USCIS Application Support Center (ASC) and stored in a database. The I-766 for these asylees is valid for a period of two years.

Q: To whom does this new EAD process apply?

A: The new EAD process will apply to asylees (both principals and dependents included in the asylum application) who were granted asylum through the affirmative asylum process, which takes place in front of a USCIS Asylum Officer. These asylees also must have biometrics on file with USCIS in order to have an EAD card produced through the new process.

Note: Applicants granted asylum by an Asylum Office are eligible for the 2-year I-766 regardless of whether they have been previously issued an EAD based on a recommended approval or a pending asylum application.

Q: To whom does this new EAD process not apply?

A: Because this new process is being implemented at USCIS Asylum Offices and will be used for only those asylees who were granted asylum by USCIS, the new EAD process does not apply to:

1. Asylee following-to-join cases (beneficiaries of an approved form I-730).
2. Applicants granted asylum by an immigration judge or the Board of Immigration Appeals within the Executive Office for Immigration Review (EOIR)
3. Applicants granted asylum by a federal court judge.

Asylees following-to join should submit a form I-765 to the appropriate Service Center as indicated in the form instructions, and the secure I-766 EAD card will then be sent to the asylee in the mail. Individuals granted asylum by EOIR or a federal judge should continue to make their appointments with the local USCIS

District or Sub Office to begin immediate processing for an EAD. See post-order instructions for obtaining documentation at <http://www.uscis.gov/graphics/lawsregs/PostOrderInstr.pdf>. The USCIS District or Sub Office will confirm the asylee's final EOIR order, biographic information, and address and initiate production of the secure EAD (I-766), with a 2-year validity period, through an automated process. In some cases, it may be necessary for the District or Sub Office to instruct the EOIR-granted asylee to provide biometrics for card production. If so, USCIS will provide an ASC appointment promptly. The asylee will then receive the EAD in the mail within 7 to 10 days. The I-688B EAD will no longer be issued at the District or Sub Offices to EOIR-granted asylees because it is being discontinued. District and Sub Offices will continue to issue asylees in the three categories listed above stamped I-94 Arrival-Departure Records evidencing asylum status.

Q: Can asylees granted by an Asylum Office use this new process for renewals, replacements, or extensions of EADs?

A: No. Under the new process, as under the old process, Asylum Offices will not issue renewals, replacements, or extensions of EADs. Instead, all asylees must apply for a renewal, replacement, or extension by submitting a Form I-765, *Application for Employment Authorization Document*, to the Nebraska Service Center and paying the applicable fee.

Q: How will asylees be told about the new EAD process?

A: The Asylum Office will verbally inform asylees who receive their grant letters *in person* of the new procedures and provide written information that summarizes the process of obtaining an EAD. Applicants who will receive their approval letters in the mail, generally those who are in valid status and those interviewed at a circuit ride location, will be informed of the new procedures in a packet of information included with the asylum grant letter, sent via *the mail*.

Q: How will the asylee be able to receive the I-766 if he or she has a change of address after the asylum interview?

A: Asylees who receive their grant letters in person at the Asylum Office will be asked that same day to verify that the address the office has on file is correct and the office will update the address if it is not correct. Within seven to ten days after the decision issuance, the asylee will receive the I-766 at any updated address provided. For asylees who are to receive their decision in the mail, prior to mailing the decision, Asylum Office staff will check the databases for the most recent address on file to ensure that the decision and the I-766 is mailed to the correct address. It is imperative that asylum applicants comply with the law and report changes of address to the Department of Homeland Security and the local Asylum Office within 10 days of the change.

Q: What if an asylee does not receive his or her card in the mail?

A: If an asylee granted by a USCIS Asylum Office does not receive the I-766 within *fourteen (14) days* of the issuance of asylum approval, the asylee should contact the local Asylum Office, per the instructions contained in the approval letter packet.