

## Applying for a Work Permit

If you were ordered deported but released from ICE custody on an Order of Supervision because no country would accept you for deportation, you can apply for a work permit, also called an Employment Authorization Document. Some benefits of obtaining a work permit include permission to work, ability to get a state identification card or driver's license, and obtaining a Social Security card.

Work permit applications are submitted by mail. To apply, you need to submit the following:

- Form I-765
- Form I-765WS
- Filing Fee (\$410 as of November 2022) or a Fee Waiver Request (Form I-912)
- Copy of Removal Order
- Form I-220B, Order of Supervision
- Up-to-date ICE Check-In Sheet
- For renewals only: copy of previous work permit card

Instructions on filling out each form are provided below. The forms are available at <http://www.uscis.gov>. The forms frequently change. Please check to make sure the information is up to date before sending your application.

### Form I-765 – Application for Employment Authorization

The form is available at <https://www.uscis.gov/i-765>. Most of the questions are simple. A few notes on questions:

#### **Question 1 – Reason for Applying**

Mark box 1.a. if this is your first time applying for a work permit.

Mark box 1.c. if you already have a work permit and need to renew it.

#### **Part 1. Reason for Applying**

I am applying for (select only one box):

- 1.a.  Initial permission to accept employment.
- 1.b.  Replacement of lost, stolen, or damaged employment authorization document, or correction of my employment authorization document **NOT DUE** to U.S. Citizenship and Immigration Services (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 the Form I-765 Instructions for further details.
- 1.c.  Renewal of my permission to accept employment.  
(Attach a copy of your previous employment authorization document.)

Asian Americans Advancing Justice – Asian Law Caucus (ALC) created this guide for informational purposes only, not as legal advice. The contents are up-to-date as of November 2022. You can contact ALC at 55 Columbus Avenue, San Francisco, California 94111, at (415) 896-1701, or through the free telephone line in detention.

**Question 8 – Alien Number (also known as A-Number or USCIS Number)**

The A-Number is a 9-digit number that usually starts with a zero. If you do not know your A-Number, check your ICE reporting paperwork. It is usually at the top of each page. It is important to include this number on the application.

8. Alien Registration Number (A-Number) (if any)

▶ A- 

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**Question 12 – Have you previously applied for a work permit?**

If you are not sure about the answer to this question, the answer is likely no. If you were a refugee before, you likely never applied for a work permit. If you do not remember applying for a work permit, answer “No.”

If you are applying to renew the work permit, answer “Yes.”

**Question 13a – Have you ever been issued a Social Security card?**

If you previously had a Social Security number, your number stays the same and remains valid, so check “yes” and list the number.

13.a. Has the Social Security Administration (SSA) ever officially issued a Social Security card to you?

Yes  No

**Question 14 – Do you want a new Social Security card to be issued?**

If you have your old social security card, you can continue using it. The number and card remain valid. If you no longer have your old card or never had a social security number, you should request a new card and answer Questions 15-17. If you do not need a new card, you can answer “No” and skip Questions 15-17.

Note: The new card will be issued with a stamp on the face that reads, “NOT VALID FOR EMPLOYMENT.” This means that you must also show a valid work permit when starting a new job.

14. Do you want the SSA to issue you a Social Security card?  
(You must also answer “Yes” to **Item Number 15.**,  
**Consent for Disclosure**, to receive a card.)

Yes  No

### Questions 21-26 – Immigration History

You may not know all of this information. If you listed your A-Number in Question 8, USCIS can look up your immigration history. You may be able to find your date of entry on your immigration court paperwork.

If you entered as a refugee, you likely did not have a passport when you entered. For Question 24, your immigration status at the time of last arrival was “Refugee.”

The answer to Question 25 asking your current immigration status is “Order of Supervision.” Leave Question 26 blank.

#### **Information About Your Last Arrival in the United States**

21.a. Form I-94 Arrival-Departure Record Number (if any)

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21.b. Passport Number of Your Most Recently Issued Passport

21.c. Travel Document Number (if any)

21.d. Country That Issued Your Passport or Travel Document

21.e. Expiration Date for Passport or Travel Document  
(mm/dd/yyyy)

22. Date of Your Last Arrival Into the United States, On or  
About (mm/dd/yyyy)

23. Place of Your Last Arrival Into the United States

24. Immigration Status at Your Last Arrival (for example,  
B-2 visitor, F-1 student, or no status)

25. Your Current Immigration Status or Category (for example,  
B-2 visitor, F-1 student, parolee, deferred action, or no  
status or category)

26. Student and Exchange Visitor Information System  
(SEVIS) Number (if any)

▶ N-

## Question 27 – Eligibility Category

The category is (C)(18).

- 27. Eligibility Category.** Refer to the **Who May File Form I-765** section of the Form I-765 Instructions to determine the appropriate eligibility category for this application. Enter the appropriate letter and number for your eligibility category below (for example, (a)(8), (c)(17)(iii)).

(  ) (  ) (  )

For Questions 28 through 31, leave these blank. They do not apply.

**Finally, complete and sign page 4.** If your application is not signed, it will be sent back.

## Form I-765WS – Worksheet

To receive a work permit, you need to demonstrate a need for employment and some information on why you cannot be deported right now. These factors are not very strict. It is fine if you have some income or savings. A sample response is provided below:

“I am seeking a work permit to secure employment and to support myself. I was ordered deported but released from ICE custody because Vietnam refused to accept me for deportation. I was recently released from immigration detention after many years of incarceration. As a result, I do not have savings and must find employment to support myself.”

## Filing Fee (\$410) or Fee Waiver (Form I-912)

The work permit application requires a filing fee of \$410 payable by personal check, money order, or cashier’s check to “U.S. Department of Homeland Security.” Work permits are only valid for one year.

If you are low-income, you can apply for a waiver of the filing fee. If granted, the application is free. The fee waiver application is available at <https://www.uscis.gov/i-912/> If you are applying for a fee waiver, do not send a check.

To qualify for a fee waiver, you need to show that you (1) are currently receiving a means-tested benefit; (2) have a household income below 150% of the poverty line, or (3) have financial hardship. You can select multiple bases for your request and would need to fill out only the relevant sections.

**Means-Tested Benefit:**<sup>1</sup> A means-tested benefit includes Medicaid, Supplemental Nutrition Assistance Program, Temporary Assistance to Needy Families, and Supplemental Security Income. You will need to include evidence that you are receiving the means-tested benefit in the

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<sup>1</sup> USCIS is accepting means-tested benefit as a basis for requesting a fee waiver for now. Since there is pending litigation, please check <https://www.uscis.gov/forms/filing-fees/additional-information-on-filing-a-fee-waiver#meanstested> for the most up-to-date information.

form of a letter, notice, or other official document that contains your name, the name of the agency granting the benefit, the type of benefit, and any dates showing that you are currently receiving the benefit. A benefit card alone will not be accepted unfortunately.

**Household Income:** You can apply for the fee waiver by demonstrating that your household income is below 150% of the poverty line. Your household includes anyone on your income tax return. A table providing 150% of the poverty line is below.

The Federal Poverty Guidelines are established annually. Please check the current Federal Poverty Guidelines, available at <https://www.uscis.gov/i-912p>

2022 Federal Poverty Guidelines	
Household Size	Income (150% Poverty Line)
1	\$20,385
2	\$27,465
3	\$34,545
4	\$41,625
5	\$48,705
6	\$55,785
7	\$62,865
8	\$69,945
For families/households with more than 8 persons, add \$6,720 for each additional person.	

To document your income, provide your federal income tax return and Form W-2s or Form 1099s. If you do not have any income documentation, you may submit:

- ✓ A currently dated letter from parole. The letter should include your release date and a statement that you have no work history. The letter could also state any helpful information about your current living situation (e.g. a housing program).
- ✓ An affidavit from any person who can verify and explain your situation.
- ✓ Documentation that you currently get CalWORKs or have Medi-Cal. Receiving either of these benefits can help show that your income is below the 150% poverty level. You should submit the award letter or benefit approval document along with documentation of the income limit required to qualify for the benefit.
  - CalWORKS: You can find the income limit at your county human services agency or visit [https://ca.db101.org/ca/programs/income\\_support/calworks/program2.htm](https://ca.db101.org/ca/programs/income_support/calworks/program2.htm) and [https://ca.db101.org/glossary\\_item.aspx?item-id=1372](https://ca.db101.org/glossary_item.aspx?item-id=1372) for the current income limits.
  - Medi-Cal: If you plan to show that you have Medi-Cal, you must show you qualify based on income. You can contact your local county office or visit <https://www.dhcs.ca.gov/services/medi-cal/Pages/DoYouQualifyForMedi-Cal.aspx> for documentation of the income limit requirement.

- CalFresh and Healthy Families: Unfortunately, documentation of either of these benefits would not help to show your income is below the 150% poverty level. However, you can submit this documentation to support your fee waiver application based on financial hardship.

**Financial Hardship:** You can also apply for the fee waiver by showing that you have financial hardship. You should include a detailed description of your financial hardship and submit documentation listed to prove your financial hardship.

### **Supporting Documentation**

Form I-220B Order of Supervision: This form should be included with the paperwork you show to ICE when you check-in. You need to provide a copy of it.

ICE Check-In Sheet: Provide a copy of your sheet showing the dates you checked in with ICE and your next check-in date. If your sheet does not have information about your most recent check-in because you have not checked in in-person during the pandemic, you can bring your Form I-220B to your local ICE office and ask for proof of compliance and the next check-in date.

Make sure to sign the Form I-765 and fee waiver application if you are using it. If you live in California, you can mail the application forms and supporting documents using the U.S. Postal Service to:

USCIS  
Attn: AOS  
P.O. Box 805887  
Chicago, IL 60680

If you live in a state other than California, check <https://www.uscis.gov/i-765-addresses> for category (c)(18) for the most up-to-date filing address.