

Green Cards:I-765: Employment Authorization During Green Card Process

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1. An applicant with a pending green card case, who is in the U.S., should still consult with a competent immigration attorney to apply for his/her I-765 Application for Employment Authorization (EAD) even though (s)he has a non-green-card work visa.

2. An application for an EAD is recommended even if the green card applicant has other form of work permission authorized by the USCIS.

3. All employees must be authorized to work in the U.S., either automatically (U.S. citizen or lawful permanent resident) or by the U.S. Citizenship and Immigration Services (USCIS).

4. The filing of a non-frivolous I-485 case confers the eligibility to the green card applicant to apply for an I-131 advance parole and I-765 employment authorization document (EAD) for him/herself and applicable derivative family members may also apply.

5. Depending on the criteria, the green card applicant may also be eligible to file the I-485 Adjustment Application concurrently with the I-130 Immigrant Relative Petition.

6. An approved I-765 employment authorization document (EAD) is a work authorization approved by the USCIS.

7. PLEASE NOTE, an applicant with a pending I-485 case must not travel internationally without consulting a competent immigration attorney because:
 - e) In general (certain exceptions apply), an I-131 advance parole is required before the foreign

national with a pending I-485 green card case travels internationally.

f) Moreover, certain green card applicants should not travel internationally even if they have been issued, or may not require an I-131 advance parole, to prevent jeopardizing his/her pending green card case.

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Tiya PLC is a U.S. professional law practice specializing in U.S. immigration law. Ms. Kok and Tiya PLC provide legal representation to foreign nationals, individuals and their families, employers and companies in all stages and aspects of green card and work visa matters.