



Attorney Advisory: I-765 (c)(8) applications for ASAP members

Under the preliminary injunction in *CASA v. Mayorkas*, ASAP members are eligible to apply for a (c)(8) EAD after accruing 150 days on their EAD clock, and USCIS is required to process their initial (c)(8) I-765 applications within 30 days. Unfortunately, we are aware of delays in USCIS's processing of members' initial (c)(8) I-765 applications. While the agency works to remedy the delays, it has given us new guidance on how members can assemble and file their (c)(8) I-765 applications to minimize the chances of delay or confusion.

Assembling the application

- A printout of the applicant's [ASAP membership card](#) MUST be placed directly behind the Form I-765. If there is anything else between the Form I-765 and the membership card—even if it is a cover letter stating that the client is an ASAP member—the Lockbox may fail to recognize that the application is subject to the injunction, which will cause delays.
- If your client is applying for an EAD for their child, a copy of the adult client's membership card must be placed directly behind the child's Form I-765. In addition, proof of the relationship between your adult client and their child—for example, a copy of the child's birth certificate—must be placed directly behind the adult's membership card.

Paying fees

- If your client is applying for their initial EAD, they should not pay any fees and should not request a fee waiver. The \$85 biometrics fee does not apply to members, and the \$410 application fee does not apply to initial applications.
 - Although it may seem harmless to include an extra fee or waiver, the agency states that including an extra fee or fee waiver will likely lead it to delay processing.
- If your client is applying to renew their EAD, they should pay only the \$410 application fee or request a waiver of that fee. They should not pay or request a waiver of the \$85 biometrics fee.

Mailing

- Check [USCIS's website](#) often for the latest guidance on mailing (c)(8) I-765 applications.
- If you use FedEx, UPS, or DHL, make sure to include the new line that says “Attn: I-765 C08 (650888)” in the address, or the agency could delay processing.
- If possible, get a tracking number for the application and save it in case of delays.

Delays

- If your client's initial (c)(8) I-765 application is pending past 30 days, [click here](#) to read about how you can exercise their rights under *Rosario v. USCIS*.

For more information about EADs for ASAP members, please see our [FAQs](#) and this [sample EAD application with instructions](#).