



U.S. Citizenship
and Immigration
Services

February 21, 2007

Contact: Office of Communications

USCIS Update

USCIS Unveils Revised Application for Employment Authorization (Form I-765)

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) recently revised the [Application for Employment Authorization \(Form I-765\)](#) to obtain supplemental evidence from alien physicians with National Interest Waivers (NIW). The new form also reduces the number of options for filing the form.

The revised form requires more evidence from NIW physician applicants that will ensure they are not using a pending adjustment of status application solely as means for employment in areas other than medical service in designated shortage areas. Previous editions of the Form I-765 will not be accepted; however, Form I-765s that are received as of the date of this notice will be accepted and processed.

Certain aliens in the United States may file a Form I-765 to request an Employment Authorization Document (EAD). Others who are authorized to work in the United States without restrictions should also use the form to apply for a document that provides evidence for the authorization.

The revision was necessitated by a recent Ninth Circuit Court of Appeals (San Francisco) decision of *Schneider v. Chertoff* in which the court decided that certain NIW physician regulations intending to ensure compliance with the Nursing Relief Act and INA section 203(b)(2)(B) were *ultra vires* (beyond power or authority). Providing necessary and reliable medical care to medically underserved areas is an important mission of the Nursing Relief Act, and USCIS believes that it is still imperative to secure this commitment from the NIW physicians.

The revised Form I-765 and instructions removes two options as reasons for filing: (1) replacement of employment authorization document that was never received, and (2) replacement of employment authorization document that was issued with incorrect information because of a USCIS administrative error. Customers who are filing a Form I-765 for these reasons should contact the USCIS office that processed their previously filed Form I-765 (refer to the USCIS letter that came with your employment authorization document for the address of the office that processed your previously filed Form I-765).

Customers may also call the National Customer Service Center at (800) 375-5283 to inquire about an employment authorization document that was never received, or was received with incorrect information.

– USCIS –

On March 1, 2003, U.S. Citizenship and Immigration Services became one of three legacy INS components to join the U.S. Department of Homeland Security. USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services, while enhancing the integrity of our nation's security.