

NAFSA: Association of
International Educators

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August 18, 2011

Sunday Aigbe
Chief, Regulatory Products Division
Office of Executive Secretariat
U. S. Citizenship and Immigration Services
20 Massachusetts Avenue, NW
Washington, DC 20529-2020

RE: Information Collection on Form I-765

Via Email: uscisfrcomment@dhs.gov

Dear Mr. Aigbe:

I write today on behalf of NAFSA: Association of International Educators with respect to the notice of information collection published at 76 Fed. Reg. 43335-43336 (July 20, 2011), in which U.S. Citizenship and Immigration Services (USCIS) invited the public to comment on Form I-765 Application for Employment Authorization. NAFSA is the world's largest nonprofit association for international education professionals, with nearly 10,000 members at approximately 3,500 colleges and universities throughout the United States and around the world. Our membership includes professionals at U.S. higher education institutions who advise significant numbers of international students and engage others, such as spouses of Exchange Visitors, who use Form I-765 in order to obtain the employment authorization for which they are eligible under the law. For this reason, our members have an interest in ensuring that the form is both effective for USCIS and not overly burdensome for applicants.

Based on input from our members, we offer several specific recommendations for improving Form I-765 and its instructions:

1. Amend the Form I-765 instructions regarding full-time off-campus employment authorization pursuant to a "special student relief" *Federal Register* notice.

Page 3, item 3.C. of the Form I-765 instructions should provide guidance on how to complete Form I-765 for an F-1 student applying for full-time off-campus employment authorization pursuant to a "special student relief" notice published in the Federal Register, under 8 CFR 214.2(f)(9)(ii)(A).

Such an instruction could be appended to the current paragraph at item 3.C., and read:

“An applicant for full-time off-campus employment authorization pursuant to an ‘emergent circumstances’ notice published in the Federal Register (as referenced at 8 CFR 214.2(f)(9)(ii)(A)), should complete item 16 on Form I-765 with the code (c)(3)(iii), and annotate that item with the words ‘special student relief.’”

2. Amend the Form I-765 instructions to clarify procedures for M-1 students seeking practical training after completing studies.

Page 3, item 3.E. of the Form I-765 instructions should be updated to clarify that an I-539 should be filed with an application for M-1 practical training only if the applicant’s Form I-94 will expire before 30 days beyond the end of the practical training period requested. This item should also be updated to clarify the proper filing location for Form I-765 submitted for M-1 practical training, both when filed with Form I-539 and when filed without Form I-539.

3. Amend the Form I-765 instructions to clarify Eligibility codes at item 16 on Form I-765

Occasionally our members report receiving guidance from a Service Center that conflicts with current Form I-765 instructions regarding the proper format for item 16 eligibility codes. For example, despite the fact that both Form I-765 and its instructions state that F-1 students seeking off-campus economic necessity work authorization should insert the code “(c)(3)(iii)” at item 16, a NAFSA member has reported receiving the following guidance from a Service Center: “I do know you should put C 03 3 for the class - we don't use the C 03 iii anymore. The three little i notations have been changed to just the number 3, hence the C 03 3.” If this is accurate, and USCIS no longer intends to utilize the third set of parentheses, the form and instructions should be amended to reflect this change.

4. Include “in care of” or “c/o” line in I-765 address fields

Form I-765 should be amended to include a line allowing for “in care of” or “c/o” in the address field. USCIS should also ensure that the systems used by USCIS lockboxes can accept and utilize “in care of” address information.

Thank you for the opportunity to offer our recommendations for improving Form I-765 and its instructions.

Sincerely,

Marlene M. Johnson
Executive Director and CEO