December 5, 2017

USCISFRComment@dhs.gov
RE: DHS Docket No. USCIS-2005-0035

To Whom It May Concern:

On behalf of Indiana University, I write in response to the USCIS adjustments to Form I-765 "Application for Employment Authorization."

Indiana University enrolls more than 114,000 students on its eight campuses: the flagship campus in Bloomington, which is a residential campus; an urban campus in Indianapolis, which also includes the IU Medical Center; and six regional campuses in the Indiana cities of Gary, South Bend, Fort Wayne, Kokomo, Richmond, and New Albany. The University offers 1,124 degree programs, has more than 250 research centers and institutes, and employs more than 20,000 faculty, professional, and support staff.

Internationally known for the quality of its academic programs and strong international student and scholar support services, Indiana University enrolls more than 8,500 international students, and also processes immigrant and non-immigrant work petitions for international faculty, researchers, physicians and support staff and obtain J-1 waivers through the Conrad 30 program.

While we appreciate the effort by USCIS to combine work authorization with a Social Security application, the result has produced a form that is over-burdensome and complicated. To go from a one-page form to a seven-page form, especially when much of the information requested is already recorded in USCIS or SEVP systems and is easily accessible to adjudicators, is not necessary. More specific comments and suggestions are outlined below.

Instructions:
- These instructions are absolutely overwhelming. It would be helpful if USCIS would consider separating the information related to OPT. Furthermore, the OPT instructions call for proof of authorizations and document numbers that should already be accessible to adjudicators, and require, for example, "evidence" of any CPT authorization—would this mean submitting class schedules, internal authorization forms, etc., or does it simply mean approval dates as noted on the I-20?
- Some instructions are included on the form itself, which contribute to its unwieldly length. Please consider keeping instructions on the instruction page.
- The instructions for Severe Economic Hardship require evidence that applicants are in good standing as a student, and that the acceptance of employment will not

interfere with study or that on-campus employment is insufficient to meet needs. Please define "good standing." Secondly, what could a student possibly provide to prove that it won't interfere with their study? How are we to document insufficient on-campus employment?

- Instructions indicate that if an applicant fails to submit required evidence, USCIS may reject or DENY an application for failure to submit requested evidence or supporting documents. Will an RFE still be issued if an application is determined to be incomplete?

Application Form

Part 1. Reason for Applying:
- #1 c – "(Attach a copy of your previous employment authorization document.)" This line could be eliminated simply by indicating in the instructions that previous EADs should be attached if available. Details of previous or current cards will be in each individual's record.

Part 2. Information About You:
- #1 a-c – We appreciate the clear boxes designated for the applicant's name. We would suggest, however, increasing the character limit, rather than having the applicant provide full names on a separate page.
- #2-3 – We appreciate the clarification that the Department is asking for nicknames, as that was previously not guidance we were aware of. It would help to clarify whether this also means "American" names that individuals may only use informally.
- #4 – We appreciate having the "In Care Of Name" information added, as we believe that will make the process clearer for applicants, the Department and the U.S. Postal Service.
- #6 – Is a physical address required for processing Employment Authorization Documents? If so, why? There are other mechanisms in place to capture addresses.
- #10-18 – This section is collecting information for the Social Security portion of the application and adding unnecessarily to the length of this form. We are also concerned that some students who have an SSN will complete this erroneously as they push through this form, and that combining forms will lead to delays in work authorization (which is more time-sensitive than obtaining an SSN). We are impressed by the agency's desire to streamline a two-step application process into one, but feel that user-error may actually have the opposite effect. Please consider either creating two I-765 applications (or designate form I-765 S for Social Security applications) or shading this area of the form so that applicants will take proper note of this section's purpose.
- #14 – We have concerns that the request for all countries of citizenship may lead to unnecessary Requests for Evidence. Please clarify why this information is required on an application for Employment Authorization as it is extra-regulatory. Perhaps asking for country of citizenship used for last legal entry serves the purpose of this question more adequately.
- #17 - Recommend adding "other" for intersex/trans individuals.
- #20a – The receipt may not have been retained, and this requirement may cause some confusion. We suggest asking for the card number from the EAD, which is the receipt number.
- #20b – Asking for the USCIS office is confusing as most applicants lack adequate information to answer this question. Given that the USCIS location is included in the Receipt/case number, is this really necessary?
- #20c – The date of "adjudication" is difficult to determine, as it does not appear on the EAD. Could the "Valid From" date listed on the EAD be used for this purpose?

- #21 b-e – It is unnecessary to ask for passport number, travel document number, country where passport was issued and expiration date. Copies of these documents are required when submitting Form I-765. Will this information replace the need to submit copies of these documents? Further, applicants may believe that a Passport Number and Travel Document Number are both required. Most applicants will not have a travel document. If you continue to require this information, we suggest adding "if any" to the end of the Travel Document Numbers questions.
- #23 – Asking for this information with "City" and "State" excludes cities currently listed as Preclearance Locations (Abu Dhabi, Montreal, Dublin, etc.).
- #26 – What is the purpose in asking for the SEVIS number? A copy of the I-20 or DS-2019 will be provided with the application, unless this request replaces that need, which seems unlikely, as the OPT recommendation appears on the Form I-20. If this needs to remain, then it should ask for the most recent SEVIS number. This is, however, likely to cause confusion for those individuals who may have had a SEVIS number in the past, but now do not. For example, an H-4 status holder applying for an EAD may have previously been in F-1 or F-2 status, but that SEVIS number would have no bearing on the application for an EAD.
- #27 – In past and current versions of Form I-765, parentheses are pre-printed in the eligibility category box. We suggest keeping them in place, as there is a higher chance for error when an applicant leaves off a number or letter. There doesn't seem to be an inherent benefit to removing these separators. Parentheses will make the format that is needed clearer to the applicant.
- #28 – It might be helpful to clarify that this is for STEM OPT applicants.

Part 3. Biographic Information:
If this section is for the SSN application, it should be made optional and not required for those applicants who do not need a new SSN at the time of I-765 application.
- #1 – This would seem to be specific to the Social Security application portion of this form. The options presented for race and ethnicity do not seem to show an awareness for who will be using this form. In other words, a "Native Hawaiian" or "African American", which seem to designate U.S. citizenship status, would inevitably **not** use Form I-765 to apply for a Social Security number, as they would not need to apply for an Employment Authorization Document.
- If this section remains on this form, we suggest that it also be shaded to make it clear that it is related to Social Security and not necessary for all applicants to complete.

Part 4. Applicant's Statement, Contact Information, Declaration, Certification, and Signature:
Much of the information here could be covered in the instructions attached to this document, or reflected by the completion of other sections (specifically the questions related to an interpreter or preparer). Contact information could be included in Part 2, leaving only the signature line as part of this section.

Part 7. Additional Information:
We appreciate the separate page for additional information.
- #1a-c – We note that the fields for Family, Given and Middle Names appear to be the same character length as on page 1 of this form. That will prevent applicants from being able to provide full and complete information. We again assert that having full name information with enough character space for all names on page 1 of this form would be the most useful.

In general, this form is asking applicants to reiterate or, in some cases, resubmit information that has either been previously vetted as part of another application, or is readily available in the applicant's record. Examples include asking students to submit evidence that documents DOE accreditation and certification by SEVP. The institution is issuing the I-20 and has already established accreditation. In question 28 in Part 2, "Information About Your Eligibility Category", applicants are instructed to "Include evidence that the degree that is the basis for the current OPT is in one of the degree programs currently listed on the STEM Designated Degree Program List." Since USCIS has this information and the CIP code is actually on the I-20, what further evidence must students submit?

Many parts of this form are unnecessary, redundant, create extra review time for adjudicators, and make what should be a straightforward application unduly complicated.

We appreciate the intent behind combining forms and adding a new service to those applying for employment authorization and are grateful for the opportunity to comment on it.   Simplification would be greatly appreciated.

Sincerely,

David Zaret
Vice President

cc: Christopher Viers, Associate Vice President for International Services