

The background of the entire page is a monochromatic teal image of the Statue of Liberty, showing her head, crown, and upper torso. The image is slightly faded and serves as a backdrop for the text and logo.

OBTAINING A LAWFUL WORK PERMIT IN THE UNITED STATES



By Otis Landerholm, founding attorney at
Landerholm Immigration, A.P.C.
www.landerholmimmigration.com

WHICH IMMIGRANTS CAN OBTAIN A WORK PERMIT?

It is NOT easy to be an undocumented immigrant in the United States, and one of the biggest challenges is being able to lawfully work, to support yourself and your family. Most of my clients immigrated to the United States expecting and hoping to find a better opportunity to support themselves, and once here, they realize that it is incredibly difficult to be able to work or get a stable good job. Many people call our office precisely because they are looking for work permits.



US law allows people with work permits (when used along with US social security numbers) to obtain lawful employment. However, the reality of US immigration laws is that many immigrants are NOT eligible to obtain work permits. Work authorization is often a legal benefit that comes only when applying for some other temporary or permanent immigration status. This means that, unfortunately, if you are not eligible for some kind of immigration case, you will often not be eligible for a work permit.

On the next page, you'll find a list of the most common ways our clients (undocumented immigrants) can obtain work permits.

PENDING ASYLUM APPLICATION

If you have filed for asylum, you are eligible to file for work authorization after your application has been pending for more than 180 days.

A PENDING APPLICATION FOR CANCELLATION OF REMOVAL:

If you have been placed in removal proceedings and filed either Form 42A or 42B-Cancellation of Removal, you are eligible for a work permit renewable in one-year increments.

A PENDING APPLICATION FOR ADJUSTMENT OF STATUS:

If you have a valid pending I-485, application for adjustment of status (e.g. through marriage to a US citizen), you are eligible to seek a work permit while your application is pending.

VAWA SELF PETITIONERS

VAWA applicants self-petition for themselves using Form I-360. If Form I-360 is approved, a VAWA recipient is eligible for work authorization, even if they did not file an application for adjustment at the same time.

DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA):

Applicants for DACA may also file for work authorization if they can demonstrate an economic need. If your DACA application is approved, your application for work authorization will likely be approved.

DEFERRED ACTION:

ICE, USCIS or CBP may grant an individual 'deferred action,' if they wish to confer protection from deportation on an individual, who may otherwise be deportable. One example is applicants for a U-visa. If USCIS determines that an individual is eligible for a U-visa, but there are no U-visas available for that year- USCIS can issue deferred action. When that individual receives deferred action, they'll be able to file for work authorization while they await the final adjudication of their U-visa application.

TEMPORARY PROTECTED STATUS:

Temporary Protected Status (TPS) is granted to individuals whose country has been designated for TPS by the Secretary of Homeland Security. DHS will designate a country for TPS if citizens are temporarily unable to return to that country safely. Reasons for designation include natural disasters, war, famine, or epidemic.

DEFERRED ENFORCED DEPARTURE:

Deferred Enforced Departure (DED) is similar to TPS; however, the President authorizes DED. DED recipients are also eligible to apply for work authorization.

PAROLEES:

If you were paroled into the U.S. for urgent humanitarian or reasons of significant public benefit," you can apply for work authorization.

PAROLE IN PLACE:

An example of this is Parole in Place (PIP). PIP is a benefit available to the spouse, widow, parent, son, or daughter of an active-duty member of the U.S. armed forces, Selected Reserve of the Ready Reserve, or a military veteran. If granted PIP, you can apply for work authorization.

REFUGEES AND THOSE GRANTED ASYLUM

Refugees are people who have a well-founded fear of persecution if returned to their country of origin; Refugees are outside of the U.S. and are coming to the U.S. for refuge. Asylees apply for asylum from within the United States. Both Refugees and those granted asylum are eligible to file for work authorization.

WITHHOLDING OF REMOVAL

If a judge granted you Withholding of Removal, you could apply for work authorization.

PROTECTION FROM REMOVAL UNDER THE CONVENTION AGAINST TORTURE:

If you have a final order of removal and have been granted protection under the Convention Against Torture (CAT), you are eligible to apply for a work permit.

NICARAGUAN ADJUSTMENT OF STATUS AND CENTRAL AMERICAN RELIEF ACT (NACARA)

In applying for NACARA with USCIS or before an immigration judge, an applicant is eligible to file for work authorization.

CITIZEN OF MICRONESIA, THE MARSHALL ISLANDS, OR PALAU:

If you are a citizen of Micronesia, the Marshall Islands, or Palau, you are eligible to apply for work authorization upon entry into the United States. The best way to see if any of these options are applicable in your situation is to have a thorough consultation with a lawyer. Otherwise, you could go to [USCIS.gov](https://uscis.gov) or you could follow our firm Landerholm Immigration's channel on Youtube, and learn the nuances and the eligibility requirements of each of these options on your own.

CHAPTER 2: UNDERSTANDING RISK INVOLVED

There are various strategies that exist to get work permits, but sometimes they involve risk. If you apply for asylum, and wait 180 days, you can apply for a work permit. If you apply for cancellation of removal in immigration court, you can apply for a work permit. Both of these are incredibly risky things to do, since if your case is ultimately denied, you could be subject to deportation.



Under some political administrations, even cases like Adjustment of Status applications, and U-visa applications, if denied can be referred to deportation proceedings.

A scan of the USCIS Form I-821, 'Application for Temporary Protected Status'. The form includes fields for 'Range' and 'Action Block', a 'Remarks' section, and a 'Case ID' section with sub-fields for 'A. Number', 'B. Number', 'C. Number', 'D. Number', 'E. Number', and 'F. Number'. At the bottom, there are checkboxes for 'To be completed by an attorney or accredited representative' and 'Submit this box if Form G-28 or G-285 is Attorney State Bar Number (if applicable) Attorney or Accredited Representative (USCIS Online Account Number, if any)'. The USCIS logo is in the top left corner.

Therefore it is critical to know the strengths and weaknesses of your case, so you fully understand the risks involved, before applying for the underlying benefit and also before seeking the work permit.

CHAPTER 3: AVOID FRAUD!



I have had many clients who have been the victims of immigration fraud, and who hired our law firm once someone was put into deportation proceedings! Don't let this be you!

Many times, a non-lawyer might say "sure I can get you a work permit, just sign here!" And someone will pay money, sign a form, and leave it at that. What they don't realize is that the person often will be filing for asylum. The problem with this is that if the asylum application gets denied, you'll be subject to deportation proceedings. Do not allow anyone to just send an application off to the government



without your understanding fully what they are applying for, and without your approval that what was said was honest and accurate. Do not allow anyone to apply for an immigration benefit for you without knowing exactly what application they are submitting and what the consequences could be if the application were denied.

CHAPTER 4: HOW TO APPLY FOR A WORK PERMIT

If you are eligible for a work permit, they way to apply is the easy part, but you'll want to pay attention because there are some common pitfalls. First, you download and fill out form I-765 (you can download this for free from www.uscis.gov – just do a search for “form I-765” in the search bar), and read carefully the instructions (the instructions is a separate download on the same page).

Second, you'll want to pay careful attention to the eligibility category – part 2 question 27. These filing categories relate to your eligibility for a work permit and they are laid out in depth in the instructions to the form. They can be confusing, so if you have specific questions, please speak with a lawyer. CAUTION: You do NOT want to fill out the wrong filing eligibility category. This can cause your application to be rejected, delayed or denied.



Third, once you are clear on that, go ahead and fill out the form. Determine whether or not this is your first time applying under this category. If so, it is an “initial application.” Or if it is your second or more time applying under this category, you can check “renewal application.” (If you need to replace a lost or damaged card, you can check replacement too). Then fill in all your personal information. Be sure to be thorough, complete and accurate.

Also, please be sure to leave no questions blank, since USCIS has been rejecting applications with any blanks in them. So it is important to write “none” or “N/A” (not applicable) on any question that doesn’t apply to you. For example, if at the time of your application, if you do not have a valid social security number, you should say “none”

in that field. Similarly, if you have never used any other name, you should say “none” there as well.

Fourth, put it together with the required documents.

Basically, you need the following:

1. The complete I-765
2. Evidence of your eligibility (which depends on your eligibility category)
3. Evidence of your past work permit (if you have one)
4. 2 Passport style photos
5. The filing fee (which depends on your eligibility category – some require fees while others don’t).
6. I also recommend having a cover letter explaining everything that you’re submitting and explaining your eligibility.

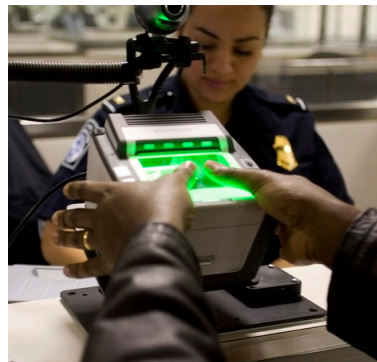
Fifth, make a copy for your own records (don’t forget this part!), put it in an envelope, and mail it off. I recommend mailing it certified with tracking – so you can prove that it arrived. That’s it! You have applied for your work permit!

CHAPTER 5: PROCESSING: WHAT HAPPENS NEXT?

After you file your work permit application, once USCIS processes it they will issue you a receipt notice. This is an important notice to keep. You will note that it has a unique “case number” which can be used to track the progress on your application. The receipt notice typically comes 30 to 60 days after you submit the work permit.

Next, you may be required to go to a “biometrics” appointment where you get your fingerprints and a photo taken. If so, you’ll receive a biometrics notice with a date, time and location of your appointment. It is important that you attend, since failure to do so can lead to your application being considered “abandoned.”

After the biometrics appointment, it typically takes just a few more months (3 to 5 more months) before the work permit is approved and mailed to your address.



CHAPTER 6: WHEN TO GET A LAWYER INVOLVED

Many people want help with their work permits, and understandably because the government makes this process much more difficult than it needs to be. The best time to get a lawyer involved is at the beginning of the process, so you can be sure that you are eligible for the benefit, and you can increase your chances of smooth processing.

Other times to get a lawyer involved might be if you are experiencing abnormal processing delays. You can check current processing times here: <https://egov.uscis.gov/processing-times/> and if your case is outside of normal processing times, you might want to hire a lawyer to look into it. Also, if you receive a Request for Evidence (RFE), a Rejection notice, or a decision denying your case, please contact a lawyer right away.



When contacting an attorney about information about work permits, renewing your work permit, or lawful permanent residency please contact an immigration attorney who is trustworthy and knowledgeable! There are a lot of attorneys out there, and each have different levels of experience and expertise. Please choose wisely! Here at Landerholm Immigration, APC, our attorneys have extensive experience with immigration law and especially with winning cases for undocumented immigrants. Please feel free to call us at 510-574-7377 to see how we can help!

**IMMIGRATION QUESTIONS?
WE HAVE ANSWERS!**

JOIN OUR LIVE SESSIONS

**DEPORTATION
DEFENSE** **LIVE**

**EMPOWERED
IMMIGRANT** **LIVE**

**TUESDAYS AND
THURSDAYS AT 10:00 A.M.**

Available on:



My name is Otis Landerholm, and I am the founding attorney of Landerholm Immigration, APC. I am honored to be an immigration lawyer! I love immigrants, and I love empowering immigrants to live their best life possible. I lived in five different countries¹ before becoming a lawyer, and I know that it is NOT easy to be in a place other than your home country! As an immigrant, you often face an unfair legal system, discrimination at work, challenges obtaining medical assistance, and challenges accessing financial, banking, educational and other systems in the United States.

However, I want you to know that I believe that you, as an immigrant, are an incredible contribution to our society. I believe that our society is made better and stronger precisely because of immigrants. I love that the U.S. has a history of welcoming immigrants to our shores from the moment our country was founded. I believe our current political leaders have sadly forgotten that important history, but I have not.

Thank you for who you are! I am grateful that you have chosen to immigrate to the United States. And stay healthy! We will get through this crazy time in history, and we'll be stronger on the other side!

Sincerely,

A handwritten signature in black ink that reads "Otis Landerholm". The signature is written in a cursive style with a large, stylized initial "O".A portrait of Otis Landerholm, a man with short brown hair, glasses, and a goatee. He is wearing a dark pinstriped suit jacket, a light blue dress shirt, and a yellow patterned tie. He is smiling slightly and has his arms crossed.

Otis Landerholm, Esq.
Attorney and Counselor at Law



Landerholm Immigration, A.P.C.
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510-574-7377
1900 Embarcadero, Suite 310
Oakland, CA. 94606

www.landerholmimmigration.com