



Questions and Answers

September 17, 2009

Filing a Form I-485 (Application to Register Permanent Residence or Adjust Status), Form I-765 (Application for Employment Authorization) and Form I-131 (Application for Travel Document) for Refugees and Asylees

Questions and Answers

Q. I am a refugee. If I file for adjustment of status, do I need to pay (a) the I-485 filing fee and (b) the biometrics fee?

A. No. Refugees are not required to pay the Form I-485 (Application to Register Permanent Residence or Adjust Status) filing fee or the biometrics fee.

Q. I am a refugee. If I submit an I-765 and/or I-131 *with* my I-485, do I have to pay the I-765/I-131 filing fees? Can I file all three forms at the same address? If not, where do I send them?

A. Yes. Refugees receive a 2-year work authorization at the time their refugee status is approved. However, when filing a Form I-485, if you need to renew your Employment Authorization Document or Travel Document, you are required to pay a fee for Form I-765 (Application for Employment Authorization), and Form I-131 (Application for Travel Document), as well as for any renewals of those documents that may be required while your I-485 is pending.

Forms I-485, I-765, and I-131 must be submitted to the Nebraska Service Center (NSC). This is the case regardless of whether the forms are filed together or separately.

Q. I am a refugee. If I submit an I-765 and/or I-131 *after* filing the I-485, do I have to pay the I-765/I-131 filing fees? Where do I send the forms? What documents do I need to send to prove I already filed the I-485?

A. You are required to pay a fee when filing Form I-765 or Form I-131. It does not matter that you have submitted a Form I-485 and it is still pending. Employment Authorization Documents and Travel Documents are free for applicants who paid the fee for Form I-485 as long as their I-485 is pending. Since refugees pay no fee for the I-485, they must pay for these additional services. If you are a refugee who has paid a fee for Form I-485, you should request a refund of that fee. Call our National Customer Service Center (NCSC) at 1-800-375-5283 (TTY 1-800-767-1833) for information on how a fee refund may be requested.

Forms I-765 and I-131 must be submitted to the Nebraska Service Center (NSC). This is the case regardless of whether the forms are filed together or separately.

Q. I am an asylee. If I file for adjustment of status, do I need to pay (a) the I-485 filing fee and (b) the biometrics fee?

A. Yes. Asylee adjustment applicants must pay both the I-485 filing fee and the biometrics fee. Applicants younger than 14 and older than 79 are not required to pay the biometrics fee.

Q. I am an asylee. Can I request a fee waiver of the I-485 filing fee? If yes, is the biometrics fee automatically waived when an I-485 fee waiver is granted or do I also have to request a separate waiver of the biometrics fee? If I must also request a waiver of the biometrics fee, should I submit two separate fee waiver requests (one for the I-485 and one for the biometrics fee) or is it sufficient to submit one fee waiver requesting that both the I-485 fee and the biometrics fee be waived?

A. You may request a waiver of both the I-485 filing fee and the biometrics fee. It is sufficient to submit one affidavit requesting a waiver of both the I-485 fee and the biometrics fee. If USCIS waives the application fee it will usually also waive the biometric fee, but the request should indicate that waiver of both fees is being requested.

Q. I am an asylee. I want to apply for the I-485, I-765, and I-131 at the same time, but the instructions on the website say I have to send my applications to different places. What do I do so that they are considered to be filed at the same time?

A. If you are filing your I-485 with the Nebraska Service Center, you may also file the I-131 and I-765 concurrently. If you are filing your I-485 with the Texas Service Center, you should wait to file your I-131 and I-765 with the Nebraska Service Center until you receive the notice of receipt (I-797C) from the filing of your I-485. You should then submit a copy of the I-485 receipt notice with Forms I-131 and I-765.

Q. I am an asylee. If I pay the I-485 application fee, and I submit an I-765 and/or I-131 with my I-485, do I have to pay the I-765/I-131 filing fees?

A. If you submitted Form I-485 on or after July 30, 2007 and paid the I-485 filing fee, you do not have to pay the I-131 filing fee or I-765 fee. If you submitted Form I-485 before July 30, 2007 or did not pay the filing fee, you must pay the I-131 and I-765 fee.

Q. I am an asylee. If I submit an I-765 and/or an I-131 *after* I filed my initial I-485 (and did not file an I-765 or I-131 at the time of my original I-485 filing), can I submit a copy of my I-485 receipt notice (I-797C) as proof that my initial I-485 filing fee was paid so that I won't have to pay the fee for the I-765 and/or I-131?

A. Yes. If you submit Form I-131 or I-765 after having filed the initial I-485, you must submit a copy of your Form I-797C, Notice of Action receipt as evidence that you filed Form I-485 and paid the fee.

Q. I am an asylee. If I request a fee waiver for my I-485/biometrics, and I file an I-765 and/or I-131 along with/at the same time as my I-485, do I also need to request separate fee waivers for the I-765 and/or I-131? If so, should I submit one fee waiver request that covers the I-485, the biometrics, the I-765, and the I-131 or do separate fee waivers for each application need to be filed?

A. It is sufficient to submit one affidavit requesting a waiver of the I-485, biometrics, and I-765 fees. However, in the affidavit you must specify each fee for which you are seeking a waiver. The fee for Form I-131 may not be waived.

Q. I am an asylee. I previously filed the I-485 with a fee waiver request that was granted. Now, a few months later, I am filing the I-765, and need to request a fee waiver for that application as well. Do I need to file a separate fee waiver request for the I-765, or can I just include proof that my I-485 fee waiver was granted?

A. You must submit a new affidavit requesting a waiver of the I-765 fee.

Q. I am an asylee. I filed my I-485, I-765, and I-131 at the same time (with fee). One year later, my I-485 is still pending and I need to renew my I-765 and I-131. Do I have to pay I-765 and I-131 filing fees? If not, what type of documentation should I include with my I-765 or I-131 renewal?

A. If you filed Form I-485 with fee on or after July 30, 2007, you may file an I-765 and I-131 without a fee. Submit a copy of your Form I-797C receipt as evidence that you paid the initial filing fee. You must pay the filing fee if you filed your initial I-485 before July 30, 2007.

If filing Form I-765, other exceptions to the fee requirement may apply. Please see Form I-765 Instructions for a list of fee requirements and exceptions.

Q. I am a refugee or asylee. Can I request a waiver of the I-131 filing fee?

A. The filing fee for Form I-131 may not be waived.

Q. I am a refugee or an asylee. Do I need to include photos with my I-485 application?

A. Yes. You must submit two identical color photographs. Please see Form I-485 Instructions for more detailed information.

Q. I am a refugee or an asylee. Do I need to include the biometrics fee for an I-131 application if I also have an I-485 pending?

A. If you have already submitted Form I-485 and have paid a biometrics fee, then you do not need to include an additional biometrics fee with the filing of your I-131. However, if you filed Form I-485 on or after July 30, 2007 and were not required to pay a fee, you must submit the fee for the I-131 along with the biometrics fee. The fee for Form I-131 is \$305 and may not be waived; the biometrics fee is \$80 and required for applicants aged 14 through 79. A fee waiver request may be submitted for the biometrics fee.

Q. Where do I find the instructions on where to file my I-485, I-765, and I-131 forms?

A. Instructions on where to file these forms are located on the instruction pages for all of the forms themselves. The following table also provides additional guidelines for asylees:

Filing based on Asylum Status	Nebraska Service Center	Texas Service Center
Submitting Form I-485 only	Residents of: Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming	Residents of: Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, South Carolina, Oklahoma, Pennsylvania, Puerto Rico,

		Rhode Island, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, West Virginia, Washington DC
Submitting Form I-485 with Form I-131 for a Refugee Travel Document	Form I-131 Form I-485 only if resident in location above	Form I-485 only if resident in location above
Submitting I-765 with Form I-485 or based on a Pending I-485	File I-765 <ul style="list-style-type: none"> ▪ File with I-485 if resident in location above ▪ File with copy of receipt notice (I-797C) for I-485 if the I-485 was filed separately 	<ul style="list-style-type: none"> ▪ File I-485 if resident in above location ▪ File I-765 at NSC with copy of receipt notice for I-485 filing

Q. What should I do if I think USCIS rejected my fee waiver request in error?

A. If USCIS determines that the individual did not substantiate his or her inability to pay, the fee waiver request is denied. The denial of a fee waiver request may not be appealed. If the applicant truly cannot afford the fee, they may file another application with a request for waiver of the fee that contains more complete documentation of their inability to pay.