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OCT 04 2017

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New Form Allows Some Foreign Nationals to Apply Concurrently for Employment Authorization and a Social Security Number

UNITED STATES

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Executive Summary

- A new edition of Form I-765, dated 07/17/17, allows qualifying applicants to request a Social Security Number or a replacement Social Security card when they apply for their employment authorization document.
- The streamlined process is open only to foreign nationals who use an EAD to work.
- It is not available to H-1Bs, L-1s, O-1s, TNs or other nonimmigrants authorized to work incident to status.

The situation

USCIS has issued a new edition of [Form I-765](#), the employment authorization application form. The new form allows qualifying foreign nationals to apply for their Social Security number (SSN) or replacement Social Security card at the same time as their employment authorization document (EAD). The new edition is dated 07/17/17 and was published on October 2.

How it works

- The new SSN application process is open to foreign nationals who use a USCIS EAD to work. That includes applicants for adjustment of status, certain foreign students, and H-4, L-2 and E spouses, among others.
- The new SSN process is **not** open to lawful permanent residents, conditional residents or foreign nationals who are work-authorized incident to status, including E-1/2/3, H-1B, H-1B1, L-1, O, P and TN nonimmigrants. These applicants must appear at a local Social Security Administration (SSA) office in person to apply for an SSN or a replacement card.
- Qualifying EAD applicants who want an SSN or a replacement card can choose to complete optional questions on the I-765 form. These questions authorize USCIS to release the applicant's information to the SSA.
- USCIS will transmit relevant data from the form to the SSA directly, obviating the need for applicants to visit a Social Security office in person.
- USCIS expects that applicants will receive their Social Security document within two weeks after they receive their approved EAD.

What this means for applicants

If the process works as expected, eligible foreign nationals will no longer need to apply in person for a Social Security number and could see their SSN applications processed more quickly.

This alert is for informational purposes only. If you have any questions about the new SSN option, please contact the immigration professional with whom you work at Fragomen.

