



## U.S. Citizenship and Immigration Services

### The 180-Day Asylum EAD Clock Notice

#### How do I apply for employment authorization after I have applied for asylum?

For information on how to apply for employment authorization after you have applied for asylum, visit the USCIS website at [www.uscis.gov/i-765](http://www.uscis.gov/i-765), which includes the Form I-765, *Application for Employment Authorization (EAD)*, and the related form instructions.

#### What is the 180-day Asylum EAD Clock?

The “180-day Asylum EAD Clock” measures the time the Form I-589, *Application for Asylum and for Withholding of Removal* (asylum application), has been pending either with U.S. Citizenship and Immigration Services (USCIS) and/or an immigration court with the Executive Office for Immigration Review (EOIR). USCIS service centers use the 180-day Asylum EAD Clock to determine eligibility for employment authorization when adjudicating Form I-765. You may file a Form I-765 150 days after you filed your asylum application under the [\(c\)\(8\)](#) category for pending asylum applications. You are eligible to receive an Employment Authorization Document (EAD) once your asylum application has been pending for a total of 180 days. See [8 CFR 208.7\(a\)\(1\)](#). The 150-day waiting period to file and the 180-day eligibility period do not include delays that you request or cause while your asylum application is pending with USCIS or with EOIR. See [8 CFR 208.7\(a\)\(2\)](#).

#### What starts the 180-day Asylum EAD Clock?

**Initial Filings with USCIS:** For asylum applications first filed with USCIS, the 180-day Asylum EAD Clock starts on the date that a complete asylum application is received by USCIS in the manner described by the [Instructions to the Form I-589](#). If USCIS refers an asylum application to an immigration court, the applicant may continue to accumulate time toward employment authorization eligibility while the asylum application is pending before an immigration judge.

**Initial Filings with EOIR:** For asylum applications first filed with EOIR, the 180-day Asylum EAD Clock starts on the date you file a complete asylum application with the immigration court (or, if applicable, the date you previously lodged your complete asylum application at the court window or by mail).

#### What stops the 180-day Asylum EAD Clock?

The 180-day Asylum EAD Clock stops when you (or a dependent on the same asylum application) request or cause a delay while your asylum application is pending with USCIS and/or EOIR. A Form I-765 application will not be approved until the asylum application has been pending for a total of 180 days, regardless of whether there are delays associated with a specific case.

#### Cases pending with USCIS

The table at the end of this notice includes a complete list of the events and actions that will impact your clock calculation when your asylum application is pending with USCIS. Common events that stop the clock are described in more detail below.

**Failure to Appear for Interview:** The 180-day Asylum EAD Clock will stop if you fail to appear on the date of your scheduled asylum interview. You may be ineligible for employment authorization unless you establish either good cause or exceptional circumstances as described below. For more information about reschedule requests and missed asylum interviews, see the “Preparing for Your Asylum Interview” page on the USCIS website at [www.uscis.gov/asylum](http://www.uscis.gov/asylum).

You must establish good cause if you need to reschedule your asylum interview at any of the following points:

- before the interview,
- on the date of the interview,
- within 45 days after the interview date, or
- if your interview has already been rescheduled on one or more occasion.

You must establish exceptional circumstances if you need to reschedule your asylum interview and more than 45 days have passed since your interview. If you establish exceptional circumstances for missing your asylum interview and you are currently in removal proceedings before an immigration judge, USCIS can reopen your asylum application and reschedule you for an asylum interview if the immigration judge dismisses your removal proceedings.

**Failure to Appear for Decision Service:** If you are required to receive and acknowledge your asylum decision at an asylum office but fail to appear, your 180-day Asylum EAD Clock will stop and you may be ineligible to receive employment authorization. If your case has been referred to an immigration court, your 180-day Asylum EAD Clock will not begin again until your first hearing with an immigration judge, at the soonest. For more information on this, visit [www.uscis.gov/asylum](http://www.uscis.gov/asylum).

### **Cases pending with EOIR**

Asylum cases pending with EOIR are adjudicated at hearings before an immigration judge. At the conclusion (or “adjournment”) of each hearing, the immigration judge will determine the reason for the adjournment.

EOIR provides an exhaustive list of adjournment codes that may be applied to a case before the immigration judge on the EOIR website under the Shared Practice Manual Appendices, Appendix O - Immigration Court Adjournment Codes at <https://www.justice.gov/eoir/reference-materials/general/shared-appendices/o>. The impact of the adjournment codes on an applicant’s 180-day Asylum EAD Clock is listed under EAD Clock Effect as “Stops,” “Runs,” and “Neutral.” Your employment authorization application will not be approved until the asylum application has been pending for a total of 180 days, regardless of the code(s) that may be applied to any given case. The 180 days does not include delays that you request or cause while your asylum application is pending with USCIS or with the immigration court.

If the adjournment is attributed to the immigration court or the Department of Homeland Security, you will continue accumulating time toward your 180-day Asylum EAD Clock.

If the reason for the adjournment is attributed to you, you will stop accumulating time toward the 180-day Asylum EAD Clock until your next hearing. In addition, you may stop accumulating time towards your 180-day Asylum EAD Clock between hearings if you file a motion that delays proceedings and the immigration judge grants the motion. For example, if you or your attorney filed a motion for a continuance, you will stop accumulating time when the immigration judge grants the motion. The reason for the adjournment of the next hearing will determine whether you will begin to accrue time again after the next hearing.

The accumulation of time on your 180-day Asylum EAD Clock stops on the date an immigration judge issues a decision on your asylum application. If your asylum application is denied before 180 days have elapsed on the 180-day Asylum EAD Clock, you will not be eligible for employment authorization. The filing of a motion to reopen or reconsider to the Board of Immigration Appeals (BIA) (or the filing of a petition for review to a U.S. Court of Appeals) does not meet the EAD eligibility requirement that the asylum application remains pending; the asylum application is only considered pending when a motion to reopen or reconsider filed with the BIA (or a petition for review filed with a U.S. Court of Appeals) is granted.

If the decision is appealed to the BIA or a U.S. Court of Appeals and the BIA or U.S. Court of Appeals remands it (sends it back) to an immigration judge or the BIA for continued adjudication of your asylum application, USCIS will credit your 180-day Asylum EAD Clock with the total number of days on appeal (e.g., the time between the immigration judge’s decision and the date of the BIA’s remand order or between the BIA’s decision and the date of the U.S. Court of Appeals’ remand order). You will continue to accumulate time on the 180-day Asylum EAD Clock while your asylum application is pending after the remand order, excluding any additional delays you request or cause. Because EAD eligibility relies upon time credited from remand, please provide a copy of the complete remand order from the BIA to the immigration judge or, where applicable, from the U.S. Court of Appeals to the BIA, when you submit your Form I-765.

### **How do I find more information about the 180-day Asylum EAD Clock if I am in removal proceedings?**

If you are an asylum applicant in removal proceedings before EOIR, you may call the EOIR Automated Case Information System at (800) 898-7180 (TDD 800-828-1120) (toll-free in the United States) or (304) 625-2050 (local toll call) to obtain certain information about your 180-day Asylum EAD Clock. Additionally, EOIR’s Online Automated Case Information System (“Online ACIS”) can be used to obtain basic case hearing and motions information and in certain instances case decisions. Available at <https://acis.eoir.justice.gov/>. Unrepresented applicants may request a print-out from EOIR of their case-specific adjournment code history in person or in writing.

To determine the number of days on your 180-day Asylum EAD Clock, you may rely on the number of days reported by the EOIR Automated Case Information System if you did not lodge your application with an immigration court or if your application was not remanded from the BIA for further adjudication of your asylum application.

However, in some cases, you may have accumulated more time on the 180-day Asylum EAD Clock than the number of days reported on the EOIR hotline. The number of days reported on the hotline does not include:

- 1) The time you accumulated toward the 180-day Asylum EAD Clock if you lodged an asylum application with an immigration court prior to filing the application with the immigration court; or
- 2) The time that USCIS may credit to your 180-day Asylum EAD Clock if your asylum application was remanded – either to the BIA by a U.S. Court of Appeals or remanded to an immigration judge by the BIA – for further adjudication of your asylum application.

Applicants who lodged an application with an immigration court should add the number of days between the date of lodging of the application and when the application was filed with the court (or the current date if the applicant has not yet filed the application).

For applicants who are unaccompanied alien children (UACs) who initially filed their asylum applications with EOIR, the 180-day Asylum EAD Clock normally begins upon filing with EOIR, and any adjournment codes associated with the transfer of jurisdiction to USCIS should not stop the 180-day Asylum EAD Clock. Generally, any subsequent adjournment codes by EOIR do not affect the 180-day Asylum EAD Clock while jurisdiction over the UAC's asylum application remains with USCIS.

### **What if I think there is an error in how my 180-day Asylum EAD Clock was calculated?**

For questions regarding time accumulated on the 180-day Asylum EAD Clock when your asylum application is pending with USCIS, please contact the asylum office with jurisdiction over the case.

For cases before EOIR, you should address questions to the immigration judge during your hearing or in writing to the court administrator. EOIR maintains on its website the email addresses and physical addresses for each immigration court where asylum EAD Clock correction requests may be sent. Applicants **should not** file motions related to the 180-day Asylum EAD Clock. If you believe the issue has not been correctly addressed by the immigration court, you may contact the Assistant Chief Immigration Judge for the appropriate immigration court in writing. For cases on appeal, you may contact EOIR's Office of the General Counsel in writing.

### **What if I think there is an error in how my Form I-765, *Application for Employment Authorization*, was adjudicated?**

You may contact the USCIS Contact Center by telephone at 1-800-375-5283 or online at [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter). Inquiries that cannot be resolved by a contact center representative will be routed to the service center where your Form I-765 was filed. You should receive a response from the service center within 30 days.

For affirmative asylum cases pending with USCIS, the following table lists all actions that will impact your clock calculation:

Event	Impact on 180-day Asylum EAD Clock
<b>Events Prior to the Asylum Interview</b>	
Applicant files Form I-589 application	The 180-day Asylum EAD Clock begins on the Form I-589 filing date.
Applicant (or dependent on the same application) fails to appear at Application Support Center (ASC) for Biometrics Collection	The 180-day Asylum EAD Clock will stop. The clock will resume when the applicant appears at the ASC for biometrics collection.
Applicant requests additional time to submit documents resulting in a rescheduled interview	The 180-day Asylum EAD clock will stop. The clock will resume when the applicant appears for their rescheduled interview.
Applicant requests to transfer a case to a new asylum office or interview location, including when the transfer is based on a change of address, thus requiring a reschedule	The 180-day Asylum EAD Clock will stop. The clock will resume when the applicant appears at the asylum interview at the new asylum office.
Applicant submits a large volume of evidence immediately before an interview, thus requiring a reschedule	The 180-day Asylum EAD Clock will stop. The clock will resume on the date the applicant appears for the rescheduled interview.
Applicant requests to reschedule an interview for a later date.	The 180-day Asylum EAD Clock will stop. The clock will resume when the applicant appears for their rescheduled interview.
<b>Events at the Asylum Interview</b>	
Applicant (or dependent on the same application) fails to appear for the interview	The 180-day Asylum EAD Clock will stop on the date of the applicant's interview. The applicant may be ineligible for employment authorization unless they send a written request to the asylum office to reschedule the interview within 45 days and they demonstrate "good cause" for missing the interview (or demonstrate "exceptional circumstances" if more than 45 after the missed interview date).
Applicant fails to appear for the interview due to USCIS error	No effect on the clock. If running, the clock continues running.
Applicant fails to provide a competent interpreter at the interview	The 180-day Asylum EAD Clock will stop. The clock will resume on the date of next interview if the applicant appears.
Interview canceled at fault of USCIS	No effect on the clock. If running, the clock continues running.
<b>Events After the Asylum Interview</b>	
Applicant establishes "good cause" for failure to appear at their asylum interview	The 180-day Asylum EAD Clock stopped on the day of the missed interview. The clock will resume on the date of the rescheduled interview, if the applicant appears.
Applicant fails to appear for pick-up of decision (if required)	The 180-day Asylum EAD Clock will stop and will not begin again until the first hearing with an immigration judge, at the soonest.
USCIS requests that applicant provide additional evidence at or after an interview	No effect on the clock. If running, the clock will continue to run.
USCIS approves asylum status	None. Applicant authorized to work incident to status.
USCIS refers Form I-589 to immigration court	No effect on the clock. If running, the clock continues running.
USCIS denies asylum status (final denial)	Ineligible for EAD.
USCIS reopens Form I-589	The 180-day Asylum EAD Clock will resume on the date the case is reopened.