



## The 180-Day Asylum EAD Clock Notice

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

For instructions 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) to review the Form I-765, *Application for Employment Authorization*, and the related form instructions.

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

The “180-day Asylum EAD Clock” measures the time period during which an asylum application has been pending with the U.S. Citizenship and Immigration Services (USCIS) asylum office and/or an Immigration Court with the Executive Office for Immigration Review (EOIR). USCIS service centers adjudicate the Form I-765, *Application for Employment Authorization*, and use the 180-day Asylum EAD Clock to determine eligibility for employment authorization. You may file a Form I-765, *Application for Employment Authorization*, based on your pending asylum application (the (c)(8) category) 150 days after you filed your asylum application. You are not eligible to receive an Employment Authorization Document (EAD) until your asylum application has been pending for at least another 30 days, for a total of 180 days (8 CFR 208.7(a)(1)). The 150-day waiting period and the 180-day eligibility period, commonly referred to as the 180-Day Asylum EAD Clock, do not include delays that you request or cause while your asylum application is pending with an asylum office or with the Immigration Court (8 CFR 208.7(a)(2)).

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

For asylum applications first filed with an asylum office, USCIS calculates the 180-day Asylum EAD Clock starting on the date that a complete asylum application is received by USCIS, in the manner described by the [Instructions to the Form I-589, Application for Asylum and for Withholding of Removal](#). If the asylum office 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.

For asylum applications first filed with EOIR, USCIS calculates the 180-day Asylum EAD Clock in one of two ways:

- 1) The applicant will start to accumulate time toward eligibility for employment authorization on the date that a complete asylum application is filed with the immigration court.
- 2) If a complete asylum application was previously “lodged” with the immigration court, whether at the court window or by mail, the applicant will start to accumulate time toward eligibility for employment authorization on the date of lodging.

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

The 180-day Asylum EAD Clock does not include any delays you request or cause while your asylum application is pending with USCIS and/or EOIR.

#### For cases pending with an asylum office:

##### Delays you may request or cause may include:

- A request to transfer a case to a new asylum office or interview location, including when the transfer is based on a change of address;
- A request to reschedule an interview for a later date;
- Failure to appear at an interview or biometrics appointment;
- Failure to provide a competent interpreter at an interview (if required);
- A request to provide additional evidence at or after an interview;
- The submission of large volumes of evidence immediately before an interview that requires a reschedule; and
- Failure to receive and acknowledge an asylum decision in person (if required).

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.

If you fail to appear for your asylum interview, the 180-day Asylum EAD Clock will stop on the date of your missed interview, and you may be ineligible for employment authorization unless you send a written request to the asylum office to reschedule the interview within 45 days and you demonstrate “good cause” for missing the interview. If you request to reschedule your interview with the asylum office after 45 days have passed from your missed interview, you must demonstrate “exceptional circumstances,” which is a higher standard than good cause. If you establish exceptional circumstances for missing your asylum interview and you are currently in removal proceedings before an immigration judge, the asylum office can reopen your asylum application and reschedule you for an asylum interview upon your request if the immigration judge dismisses your removal proceedings. If the asylum office determines that your failure to appear for an interview was due to lack of notice of the interview appointment, the asylum office will not attribute a delay to you and the asylum office will reschedule your interview.

For more information about reschedule requests and missed asylum interviews, see “Preparing for Your Asylum Interview” on the Asylum Division’s website at [www.uscis.gov/Asylum](http://www.uscis.gov/Asylum).

### **For 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. If the adjournment is attributed to you, you will stop accumulating time toward the 180-day Asylum EAD Clock until your next hearing. 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 you are an asylum applicant who has been released from detention and whose case is automatically transferred to a non-detained hearing location, your 180-Day Asylum EAD Clock will run until the date of your next hearing.

For example, you may stop accumulating time toward the 180-Day Asylum EAD Clock if, at a hearing:

- You ask for the case to be continued so you can get an attorney;
- You or your attorney ask for additional time to prepare the case; or
- You request or the parties jointly request administrative closure of your case.

In addition, you may stop accumulating time on 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, you will stop accumulating time when the immigration judge grants:

- A motion to change venue that you or your attorney filed; or
- A motion for a continuance that you or your attorney filed.

In such cases, you will stop accumulating time when the immigration judge grants the motion. You may or may not begin to accumulate time again after the next hearing, depending on the reason for the adjournment of the next hearing

The last page of this notice contains a chart listing reasons for case adjournments and whether these reasons are applicant-caused delays. Additional information regarding codes used by the immigration courts that affect the 180-day Asylum EAD Clock can be found at Appendix O – Adjournment Codes, in the EOIR Policy Manual, at <https://www.justice.gov/eoir/eoir-policy-manual/Appendix/AdjournmentCodes>.

- Further, 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 BIA for continued adjudication of your asylum claim, your 180-day Asylum EAD Clock will be credited 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 claim is pending after the remand order, excluding any additional delays you request or cause.

## **How do I find more information about the 180-day Asylum EAD Clock?**

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), or check the EOIR Automated Case Information online system at [Automated Case Information \(justice.gov\)](https://www.justice.gov/eoir/automated-case-information) to obtain certain information about your 180-day Asylum EAD Clock.

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 when 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 claim.

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 have not lodged your application with an immigration court, or if your application was not remanded from the BIA for further adjudication of your asylum claim.

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).

## **What if I think there is an error in the calculation of time on my 180-Day Asylum EAD Clock?**

For questions regarding time accumulated on the 180-day Asylum EAD Clock when your asylum application is pending with an asylum office, 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. 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 then 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 the adjudication of my Form I-765, Application for Employment Authorization?**

You may contact the USCIS Contact Center by telephone at 1-800-375-5283 or online at [www.uscis.gov/contactcenter](https://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.

| NONCITIZEN-RELATED ADJOURNMENTS  |      |            |
|--|------|------------|
| DESCRIPTION  | CODE | DELAY CODE |
| Noncitizen to Seek Representation  | 01   | S          |
| Preparation – Noncitizen/Attorney/Representative   | 02   | S          |
| Other No-Show by Noncitizen/Noncitizen’s Attorney or Rep.  | 11   | S          |
| Other Noncitizen/Noncitizen’s Attorney/Representative Request                                      | 12   | S          |
| Supplement Asylum Application  | 21   | S          |
| Noncitizen or Rep. Rejected Earliest Possible Asylum Hearing                                       | 22   | S          |
| Noncitizen Request for An In-Person Hearing  | 26   | S          |
| Consolidation with Family Members  | 30   | S          |
| Noncitizen Delayed Records/Fingerprint Check   | 36   | S          |
| Illness of Noncitizen/Atty Representative/Witness  | 38   | S          |
| Noncitizen Requested Forensic Analysis   | 42   | S          |
| Joint Request of Both Parties  | 45   | S          |
| Interpreter Appeared but Wrong Language or Dialect provided by Noncitizen/Noncitizen’s Atty or Rep | 4D   | S          |
| Jurisdiction Rests with the BIA  | 52   | S          |
| Noncitizen Claims to U.S. Citizenship  | 54   | S          |
| Hearing Advanced by Motion   | 5A   | N          |
| Late-Filed Evidence (Noncitizen)   | 5B   | S          |
| DHS Application Process-Noncitizen Initiated   | 7A   | S          |

| DHS-RELATED ADJOURNMENTS  |      |            |
|---|------|------------|
| DESCRIPTION   | CODE | DELAY CODE |
| Preparation-DHS   | 03   | R          |
| DHS Or DHS Administrative File Unavailable for Hearing          | 04   | R          |
| Noncitizen in DHS/Corrections Custody Not Presented for Hearing | 09   | R          |
| DHS Request for An In-Person Hearing                            | 27   | R          |
| DHS Investigation   | 37   | R          |
| Cooperating Witness/Law Enforcement                             | 44   | R          |
| New Charge Filed by DHS   | 47   | R          |
| Quarantine - Detained Cases                                     | 50   | R          |
| Hearing Advanced by Motion                                      | 5A   | N          |
| Late-Filed Evidence (DHS)                                       | 5C   | R          |
| DHS Application Process – DHS Initiated                         | 7B   | N          |

| OPERATIONAL ADJOURNMENTS   |      |            |
|--|------|------------|
| DESCRIPTION  | CODE | DELAY CODE |
| Notice Sent/Served Incorrectly   | 10   | R          |
| Mc to JC– Merits Hearing   | 17   | R          |
| Case Transferred from Non-Detained to Detained Docket                  | 1A   | R          |
| Case Transferred from Detained to Non-Detained Docket                  | 1B   | R          |
| To Allow for Scheduling of Priority Case                               | 25   | R          |
| Concurrent Application   | 29   | N          |
| RC To SC Merits Hearing  | 31   | R          |
| Interpreter Not Ordered  | 32   | R          |
| Interpreter Ordered but FTA  | 33   | R          |
| IJ Detail (Non-Volunteer)  | 3b   | N          |
| Video Malfunction  | 46   | R          |
| Interpreter Appeared but Disqualified                                  | 48   | R          |
| Technical Malfunction (Not Video)                                      | 4A   | R          |
| Interpreter Must Leave   | 4B   | R          |
| ROP Missing  | 4E   | R          |
| Court Closure  | 59   | R          |
| EOIR Forensic Competency Evaluation                                    | 60   | R          |
| Appointment of Qualified Representative                                | 61   | R          |
| Judicial Competency Inquiry  | 62   | R          |
| Non-Franco Competency Inquiry  | 63   | R          |
| Telephonic Interpreter Unavailable                                     | 4F   | R          |
| IJ Completion Prior To Hearing   | 8A   | S          |
| IJ Completion at Hearing   | 8B   | S          |
| Data Entry Error   | 99   | N          |
| Docket Management (Postpone Hearing) (Court Admin/Advanced Users Only) | 9A   | R          |
| Docket Management (Advance Hearing) (Court Admin/Advanced Users Only)  | 9B   | N          |
| Docket Management (Case moved Off-Calendar)                            | 9C   | R          |
| Vacated Master Calendar Hearing TQ                                     | 9V   | N          |
| Placed in Trial Queue  | TQ   | N          |

| IJ-RELATED ADJOURNMENTS                            |       |            |
|--|-------|------------|
| DESCRIPTION  | COD E | DELAY CODE |
| Insufficient Time to Complete Hearing              | 13    | R          |
| IJ Determined an In-Person Hearing Is Necessary    | 28    | R          |
| IJ Leave   | 34    | R          |
| IJ Detail (Volunteer)                              | 3A    | R          |
| Interpreter Appeared but Wrong Language or Dialect | 4C    | R          |
| IJ Reassignment                                    | 64    | R          |
| Reserved Decision                                  | RR    | R          |
| Reserved Decision Suspension/Cancellation          | RD    | R          |

| KEY    | Delay Codes and Impact on I-765 Adjudication - |
|--------|--|
| S or X | I-765 will be denied                           |
| N      | No impact on I-765 Adjudication                |
| R      | No impact on I-765 Adjudication                |