

The background of the entire page is a monochromatic teal image of the Statue of Liberty's head and crown, looking slightly to the left. A white rectangular border frames the central text.

OBTAINING A LAWFUL WORK PERMIT IN THE UNITED STATES



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

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", "F. Number", and "G. 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 filed", along with fields for "Attorney State Bar Number (if applicable)" and "Attorney or Accredited Representative USCIS Online Account Number (if any)".

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.

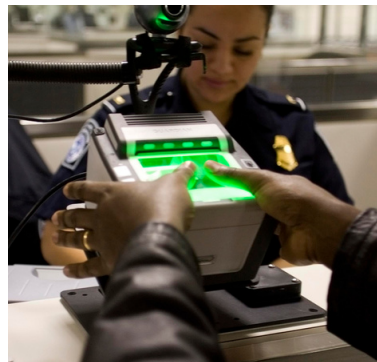
Fifth, make a copy for your own records (don’t forget this part!), put it in an envelope, and mail it off. I recommend mailing it certified with tracking – so you can prove that it arrived. That’s it! You have applied for your work permit!

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!

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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.
¡Where we fight for your American Dream!

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IMMIGRATION LAW

Immigration law has a reputation for being highly complicated, and it's controlled by a bureaucracy that receives very little public scrutiny or oversight. There are many situations where you will save yourself time and stress from having the assistance of an immigration lawyer.

With the assistance of an immigration lawyer, you will also be able to prevent damaging mistakes when filling out tedious and technical paperwork. In order to enjoy the greatest benefits of working with an attorney on your case, we have included in this brochure some of the most important qualifications that you should seek when searching for and choosing an immigration lawyer. We hope that this helps you.



Trust and Understanding

To serve others through the practice of Immigration Law is a privilege and great responsibility and thus should be treated as such. Throughout the process of fighting for one's immigration rights, many sensitive details and information may be discussed. The process may be emotionally stirring. This is why it is important to choose an immigration attorney who you trust to always have your best interest in mind. You should always feel comfortable and welcome to share the details of your personal situation with him or her. You should trust that your attorney is here to support you, to help you reach your immigration objectives, and to help you win your case.

Confidentiality and Honesty

When choosing an immigration lawyer, it is important that you find an attorney who is honest to you about your case and who can ensure you that all private information that you offer about your situation will be kept confidential and protected. At Landerholm Immigration, A .P.C., our attorneys communicate directly and honestly with their clients about the case, the best course of action, and the prospects for victory

good immigration attorney will NEVER judge or criticize you for anything. So, when finding an immigration attorney, your trust in him and his understanding of you are essential to developing a successful partnership.

Credentials

An immigration attorney should have a law degree from an accredited law school. He or she should be licensed and in good standing with the local state bar. Landerholm Immigration, A.P.C. is "A Professional Corporation (A.P.C.)", which means that we have secured a license from the state of California to offer a professional legal service. Furthermore, our attorneys have graduated at the top of their classes from excellent law schools.

Experience

Finding a highly experienced, professional immigration attorney is key to the success of your case. Our attorneys at Landerholm Immigration, A.P.C. have fought in court and in the U.S. legal system on the behalf of immigrants from all over the world. They have lived and worked overseas in other countries. Furthermore, they are fluent in English, Spanish, Portuguese, and Mandarin Chinese. Therefore, we can ensure you that our office holds a high level of respect and appreciation for cultural diversity and is committed to your struggle for immigrant right

Our Perspective

At Landerholm Immigration, A.P.C., we are willing to do all that is legally possible to improve your situation and to increase the probability of winning your case. We pride ourselves on our extraordinary level of expertise in the following areas of immigration law: asylum, visas and green cards, and deportation defense. We see our work as service to the betterment of society and humanity by fighting for the rights of human beings who seek to freely choose their home. We are at the service of families and couples who want to stay together. We believe that every individual deserves a second chance and an equal opportunity at striving for the realization of their American Dream. Our values and visions are what drive our attorneys and staff at Landerholm Immigration, A.P.C. to apply their legal knowledge and expertise to fighting for your immigrant rights and winning your case.





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PSYCHOLOGICAL AND MEDICAL EVALUATIONS



In asylum applications, we often need psychological or medical evaluations to put forth arguments to justify an untimely filing in order to claim a valid exception to the one-year bar.

If you are in immigration court, you may call witnesses to testify on your behalf. Witnesses might be personal friends who had similar experiences or who know your situation.

TESTIMONY OF WITNESSES



EXPERT WITNESSES



In certain situations, it may be necessary to call an expert witness to testify. Experts can explain the situation in your country in a way other evidence cannot. They can also testify to your medical or psychological state. Each of these can be incredibly helpful to the immigration judge in your case. Be aware though, experts can be expensive.

Ultimately, the case is yours. It is important that you are aware of all the evidence that is submitted in your case so that you can speak with confidence and not contradict yourself. We will give you a complete copy of your application, and it is best if you study it before your final interview and hearing.

KNOWING ALL EVIDENCE IN YOUR CASE



Helping your Family Members

If you are granted asylum you may then request "derivative asylum status" for your spouse and children (unmarried and under 21 years of age on the day you file your asylum application). You will have qualifying family member within two years of the date you were granted Asylum status unless USCIS determines that they can extend this deadline for "humanitarian reasons".

Green Cards

The next step after being granted Asylum is to apply for your green card to gain lawful permanent residence in the U.S. You are eligible to apply for your green card exactly one year after being granted asylum. To do this, you have to file the Form I-485 for yourself and each of your qualifying relatives. We would love to help you with this, and we give discounts to all of our asylum clients for this service.



Asylum is a difficult but rewarding area of law. At my office, we love helping people avoid deportation to an unsafe home country and to help clients gain legal status in the US. We have won many cases from various countries worldwide, and we look forward to working with you to submit the strongest case possible. Thank you!



La guía para inmigrantes sobre:

Ganar casos aun con alegaciones de

FRAUDE MIGRATORIO

en los Estados Unidos

Por Otis Landerholm, abogado fundador en:
Landerholm Immigration, A.P.C.
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La guía para inmigrantes sobre:

Las 12 cosas que todos los

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La guía para inmigrantes sobre:

Cómo ser un

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Cómo obtener una

LICENCIA DE CONDUCIR

en los Estados Unidos

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