

related EAD or dropped their course load before publication of this notice, and therefore fell out of student status. These students must satisfy the criteria set forth in the F-1 nonimmigrant student status reinstatement regulations.

#### How long will this notice remain in effect?

This notice grants temporary relief until December 12, 2025,<sup>45</sup> to eligible F-1 nonimmigrant students. DHS will continue to monitor the situation in Ethiopia. Should the special provisions authorized by this notice need modification or extension, DHS will announce such changes in the **Federal Register**.

#### Paperwork Reduction Act (PRA)

An F-1 nonimmigrant student seeking off-campus employment authorization due to severe economic hardship resulting from the current armed conflict and the current humanitarian crisis in Ethiopia must demonstrate to the DSO that this employment is necessary to avoid severe economic hardship. A DSO who agrees that a nonimmigrant student should receive such employment authorization must recommend an application approval to USCIS by entering information in the remarks field of the student's SEVIS record. The authority to collect this information is in the SEVIS collection of information currently approved by the Office of Management and Budget (OMB) under OMB Control Number 1653-0038.

This notice also allows an eligible F-1 nonimmigrant student to request employment authorization, work an increased number of hours while the academic institution is in session, and reduce their course load while continuing to maintain F-1 nonimmigrant student status.

To apply for employment authorization, certain F-1 nonimmigrant students must complete and submit a currently approved Form I-765 according to the instructions on the form. OMB has previously approved the collection of information contained on the current Form I-765, consistent with the PRA (OMB Control Number 1615-0040). Although there will be a slight increase in the number of Form I-765 filings because of this notice, the number of filings currently contained in the OMB annual inventory for Form I-765 is sufficient to cover the additional

filings. Accordingly, there is no further action required under the PRA.

#### Alejandro Mayorkas,

Secretary, U.S. Department of Homeland Security.

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## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

[CIS No. 2771-24; DHS Docket No. USCIS-2024-0001; RIN 1615-ZC08]

#### Implementation of Employment Authorization for Individuals Covered by Deferred Enforced Departure for Certain Palestinians

**AGENCY:** U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).

**ACTION:** Notice of employment authorization for individuals covered by Deferred Enforced Departure (DED).

**SUMMARY:** On February 14, 2024, President Joseph Biden issued a memorandum to the Secretary of State and the Secretary of Homeland Security (Secretary) determining that it was in the foreign policy interest of the United States to defer for 18 months, the removal of certain Palestinians present in the United States and to provide them with employment authorization documentation. The memorandum directed the Secretary to make provision for immediate allowance of employment authorization for such individuals. This notice provides information about Deferred Enforced Departure (DED) for Palestinians and provides information on how eligible individuals may apply for DED-based Employment Authorization Documents (EADs) with USCIS, as well as for travel authorization.

**DATES:** DED for eligible Palestinian noncitizens covered by this notice began on February 14, 2024, and ends on August 13, 2025.

#### FOR FURTHER INFORMATION CONTACT:

- You may contact Rená Cutlip-Mason, Chief, Humanitarian Affairs Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, by mail at 5900 Capital Gateway Drive, Camp Springs, MD 20746, or by phone at 240-721-3000.

- For further information on DED, including additional information on eligibility, please visit the USCIS DED

web page at <https://www.uscis.gov/humanitarian/deferred-enforced-departure>. You can find specific information about DED for certain Palestinians by selecting "Individuals Covered by DED—Palestinian Territories" from the menu on the left of the DED web page.

- If you have additional questions about DED, please visit <https://www.uscis.gov/tools>. Our online virtual assistant, Emma, can answer many of your questions and point you to additional information on our website. If you are unable to find your answers there, you may also call our USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

- Applicants seeking information about the status of their individual I-765, EAD Application for Employment Authorization, or I-131, Application for Travel Document, cases may check Case Status Online, available on the USCIS website at <https://www.uscis.gov>, or visit the USCIS Contact Center at <https://www.uscis.gov/contactcenter>.

- Further information will also be available at local USCIS offices upon publication of this Notice.

#### SUPPLEMENTARY INFORMATION:

##### Definitions

For the purposes of this notice, USCIS intends to cover non-U.S. citizens of any nationality, or without nationality, who are Palestinian. USCIS will evaluate claims for DED employment authorization and advance travel authorization based on authentic documents,<sup>1</sup> regardless of validity period<sup>2</sup> or expiration, indicating the applicant is Palestinian, including, but not limited to:

- a Palestinian Authority Passport;
- a Palestinian Authority Identification Card;
- a Birth Certificate or Birth Extract verified or issued by a recognized governmental authority identifying the holder as having been born in the Palestinian Territories;
- an identification document issued by a third country, the United Nations, its specialized agencies and related organizations, or the International Committee of the Red Cross, indicating the holder is a Palestinian; or

<sup>1</sup> On June 14, 2007, Hamas, designated as a foreign terrorist organization by the Secretary of State in accordance with section 219 of the INA, 8 U.S.C. 1189, took de facto administrative control of Gaza, including issuance of civil documents for the territory. USCIS will not accept identity documents issued by Hamas after June 14, 2007, unless verified by the Palestinian Authority in the West Bank.

<sup>2</sup> The term validity period is used in reference to the length of time a document can be used for purposes of travel or identification prior to the expiration date.

<sup>45</sup> See note 1, *supra*.

- a travel document issued by a third country, the United Nations, its specialized agencies and related organizations, or the International Committee of the Red Cross, identifying the holder as a Palestinian.

#### Table of Abbreviations

CFR—Code of Federal Regulations  
 DED—Deferred Enforced Departure  
 DHS—U.S. Department of Homeland Security  
 EAD—Employment Authorization Document  
 FNC—Final Non-confirmation  
 Form I-131—Application for Travel Document  
 Form I-765—Application for Employment Authorization  
 Form I-797—Notice of Action  
 Form I-9—Employment Eligibility Verification  
 Form I-912—Request for Fee Waiver  
 Form I-94—Arrival/Departure Record  
 FR—Federal Register  
 Government—U.S. Government  
 IER—U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section  
 INA—Immigration and Nationality Act  
 SAVE—USCIS Systematic Alien Verification for Entitlements Program  
 Secretary—Secretary of Homeland Security  
 TTY—Text Telephone  
 USCIS—U.S. Citizenship and Immigration Services  
 U.S.C.—United States Code

#### Purpose of This Action

Pursuant to the President's constitutional authority to conduct the foreign relations of the United States, President Biden has determined that it is in the foreign policy interest of the United States to defer through August 13, 2025, the removal of certain Palestinians who have resided in the United States since February 14, 2024.<sup>3</sup> Through this Notice, as directed by the President, DHS is establishing procedures for Palestinian individuals covered by DED to apply for EADs valid through August 13, 2025. Employment authorization and the procedures for obtaining EADs in this Notice apply to any of the following individuals who are not subject to any of the ineligibilities described in President Biden's February 14, 2024 memorandum to the Secretaries of State and Homeland Security: Palestinians, regardless of place of birth or country or area of last habitual residence, who have resided in the United States since

February 14, 2024. Palestinians must meet all eligibility criteria, including required documentation, for DED described in this Notice. Finally, this Notice provides instructions for eligible Palestinians in the United States on how to request advance travel authorization.

#### What is Deferred Enforced Departure (DED)?

- DED is an administrative deferral of removal ordered by the President. The authority to extend DED arises from the President's constitutional authority to conduct the foreign relations of the United States. DED has been authorized in situations where certain groups of noncitizens may face danger if required to return to countries or any part of such foreign countries experiencing political instability, conflict, or other unsafe conditions, or when there are other foreign policy reasons for allowing a designated group of noncitizens to remain in the United States temporarily.

- Although DED is not a specific immigration status and does not require an application to be filed with USCIS, individuals covered by DED are not subject to removal from the United States, usually for a designated period. Furthermore, the President may direct that the Secretary of Homeland Security provide that certain benefits that are authorized under the immigration laws, such as employment authorization, be made available to the noncitizens covered by the DED directive during the designated period.

- USCIS publishes a **Federal Register** notice to inform the covered population on how to apply for any benefits provided. See instructions for Form I-765, Application for Employment Authorization.

- The eligibility requirements for individuals who are covered by DED are based on the terms of the President's directive regarding DED and any relevant implementing requirements established by DHS. Since DED is a directive to defer removal of an individual, rather than a specific immigration status like Temporary Protected Status, there is no DED application form required for an individual to be covered by DED. If an individual covered by DED wants to apply for an EAD, they must file Form I-765, Application for Employment Authorization. Similarly, should an individual covered by DED want to apply for advance travel authorization,

they must file Form I-131, Application for Travel Document.

**Ur M. Jaddou,**

*Director, U.S. Citizenship and Immigration Services.*

#### Eligibility and Employment Authorization for DED

*How will I know if I am eligible for employment authorization under the DED Presidential Memorandum for Certain Palestinians?*

Consistent with the President's February 14, 2024, DED memorandum,<sup>4</sup> the procedures for employment authorization in this Notice apply to non-U.S. citizens who are Palestinians who were present in the United States on February 14, 2024, except for those:

- Who have voluntarily returned to the Palestinian Territories after February 14, 2024;
- Who have not continuously resided in the United States since February 14, 2024;
- Who are inadmissible under 212(a)(3) of the Immigration and Nationality Act (INA) (8 U.S.C. 1182(a)(3)) or deportable under section 237(a)(4) of the INA (8 U.S.C. 1227(a)(4));
- Who have been convicted of any felony or two or more misdemeanors committed in the United States, or who meet any of the criteria set forth in section 208(b)(2)(A) of the INA (8 U.S.C. 1158(b)(2)(A));
- Who are subject to extradition;
- Whose presence in the United States the Secretary of Homeland Security has determined is not in the interest of the United States or presents a danger to public safety; or
- Whose presence in the United States the Secretary of State has reasonable grounds to believe would have potentially serious adverse foreign policy consequences for the United States.

*What will I need to file if I am covered by DED and would like to obtain an EAD?*

If you are a Palestinian covered by DED and want a DED-based EAD, you must file Form I-765. Please carefully follow the Form I-765 instructions when completing the application for an EAD. When filing the Form I-765, you must:

- Indicate that you are eligible for DED by entering "(a)(11)" in response to Question 27 on the Form I-765; and
- Submit the fee for the Form I-765 (or request a fee waiver, which you may submit on Form I-912, Request for Fee

<sup>3</sup> See Deferred Enforced Departure for Certain Palestinians, 89 FR 12743 (Feb. 14, 2024); Memorandum for the Secretary of State and the Secretary of Homeland Security, Deferred Enforced Departure for Certain Palestinians, February 14, 2024, <https://www.whitehouse.gov/briefing-room/presidential-actions/2024/02/14/memorandum-on-the-deferred-enforced-departure-for-certain-palestinians/>.

<sup>4</sup> See 89 FR at 12743.

Waiver).<sup>5</sup> See Fee Schedule (Form G–1055).

**Supporting Documentation**

The filing instructions on Form I–765 list all the documents needed to apply. You may also find information on the initial required documents on the USCIS website at <https://www.uscis.gov/i-765>. If USCIS determines after reviewing your submission that it needs additional information, it will send you a Request for Evidence (RFE).

*How will I know if I must submit my biometrics to USCIS?*

If biometrics are required to produce your EAD, you will receive a biometrics services appointment notice with the time and location of your appointment. You can prepare for your biometrics appointment by visiting the *Preparing for Your Biometric Appointment* web page at <https://www.uscis.gov/forms/filing-guidance/preparing-for-your-biometric-services-appointment> and ensure that you bring valid photo identification to your appointment.

*Where do I find the fees for DED applicants?*

You can find filing fees by visiting Form G–1055, Fee Schedule at <https://www.uscis.gov/g-1055> for the most current fees for DED applicants for the Form I–765 and Form I–131. No biometrics fees are required at the time of filing.

*Where do I submit my completed DED-based Form I-765, Application for Employment Authorization?*

For a DED-based EAD, mail your completed Form I–765 and supporting documentation to the proper address in Table 1.

TABLE 1—MAILING ADDRESSES

If you are . . .	Mail to . . .
Using the U.S. Postal Service (USPS).	USCIS, Attn: DED for Palestinians, P.O. Box 805283, Chicago, IL 60680–5283.

<sup>5</sup> On January 31, 2024, DHS published a final rule that adjusts certain fees, including Form I–131 and the Form I–765, that went into effect on April 1, 2024. See U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements, 89 FR 6194 (Jan. 31, 2024) (effective Apr. 1, 2024). Additional information about the rule is available on the USCIS website. Frequently Asked Questions on the USCIS Fee Rule, USCIS, <https://www.uscis.gov/forms/filing-fees/frequently-asked-questions-on-the-uscis-fee-rule> (last visited Feb. 7, 2024).

TABLE 1—MAILING ADDRESSES—Continued

If you are . . .	Mail to . . .
Using FedEx, UPS, or DHL.	USCIS, Attn: DED for Palestinians, (Box 805283), 131 South Dearborn Street, 3rd Floor, Chicago, IL 60603–5517.

You may file Form I–765 and Form I–131, Application for Travel Document, together or separately. If you are filing multiple applications, petitions, or requests, USCIS recommends sending separate payments for each application, otherwise if one payment is submitted and one of the applications, petitions, or requests is rejected, all others will be rejected as well. More information on filing a Form I–131 appears below.

*Can I file my DED-based Form I-765 electronically?*

No. Electronic filing is not available when filing a DED-based Form I–765.

*What happens after August 13, 2025, to DED-based EADs?*

This DED authorization is set to end on August 13, 2025. After that date, employers can no longer accept EADs with the notation A–11 under Category and a Card Expires date of August 13, 2025. Employees will need to present other evidence of continued work authorization.

**Travel**

Palestinians covered by DED may also apply for and be granted travel authorization as a matter of discretion. You must file for travel authorization if you wish to travel outside of the United States and be eligible to seek re-entry to the United States. If USCIS grants travel authorization, it generally gives you permission to leave the United States and return during a specific period. To request travel authorization, you must file Form I–131, available at <https://www.uscis.gov/i-131>. You may file Form I–131 together with your Form I–765 or separately. When filing the Form I–131, you must:

- Select Item Number 1.d. in Part 2 on the Form I–131; and
- Submit the fee for the Form I–131.

If you leave the United States without first receiving travel authorization, you may no longer be eligible for DED and may not be permitted to reenter the United States. Please also be advised that if you return to the Palestinian Territories, even with advance travel authorization, you may not be permitted to resume DED in the United States since the presidential memorandum

providing for DED for Palestinians excludes individuals who have voluntarily returned to the Palestinian Territories after the date of the memorandum.<sup>6</sup>

**Mailing Information**

Mail your completed Form I–131 to the proper address provided in Table 1.

**Supporting Documentation**

The filing instructions for Form I–131 list all the documents you need to include with your application. You may also find information on the acceptable documentation and DED eligibility on the USCIS website at <https://www.uscis.gov/humanitarian/deferred-enforced-departure>. If USCIS needs additional evidence, it will issue you an RFE.

**General Employment-Related Information for Individuals With DED-Based EADs and Their Employers**

*How can I obtain information on the status of my EAD request?*

To get case status information about your DED-based EAD request, you can check Case Status Online at <https://www.uscis.gov>, or visit the USCIS Contact Center at <https://www.uscis.gov/contactcenter>. If your Form I–765 has been pending for more than 90 days, and you still need assistance, you may ask a question about your case online at <https://egov.uscis.gov/e-request/Intro.do> or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

*When I am hired, what documentation may I show to my employer as evidence of identity and employment authorization when completing Form I-9?*

You can find the Lists of Acceptable Documents on Form I–9, Employment Eligibility Verification, as well as the Acceptable Documents web page at <https://www.uscis.gov/i-9-central/acceptable-documents>. Employers must complete Form I–9 to verify the identity and employment authorization of all new employees. Within three days of hire, employees must present acceptable documents to their employers as evidence of identity and employment authorization to satisfy Form I–9 requirements.

You may present any documentation from List A (which provides evidence of both identity and employment authorization) or documentation from List B (which provides evidence of your identity) together with documentation from List C (which provides evidence of employment authorization), or you may

<sup>6</sup> See 89 FR at 12743.

present an acceptable receipt as described in the Form I-9 Instructions. Employers may not reject a document based on a future expiration date. You can find additional information about Form I-9 on the I-9 Central web page at <https://www.uscis.gov/I-9Central>. An EAD is an acceptable document under List A.

*If I have an EAD based on another immigration status, can I obtain a new DED-based EAD?*

Yes, if you are covered by DED, you can obtain a new DED-based EAD, even if you already have an EAD or employment authorization based on another immigration status. If you want to obtain a DED-based EAD valid through August 13, 2025, you must file Form I-765 and pay the associated fee (unless USCIS grants your fee waiver request).<sup>7</sup>

*Can my employer require that I provide any other documentation to complete Form I-9, such as evidence of my status or proof of my Palestinian identity?*

No. When completing Form I-9, employers must accept any unexpired documentation that appears on the Form I-9 Lists of Acceptable Documents that reasonably appears to be genuine and that relates to you, or an acceptable List A, List B, or List C receipt. Employers may not request proof of Palestinian identity when completing Form I-9 for new hires or reverifying the employment authorization of current employees. Refer to the “Note to Employees” section of this **Federal Register** notice for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you based on your citizenship or immigration status, or your national origin.

*Note to All Employers*

Employers are reminded that the laws requiring proper employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This **Federal Register** notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth reverification requirements. For general questions about the employment eligibility verification process, employers may call USCIS at 888-464-4218 (TTY 877-875-

6028) or email USCIS at [I-9Central@dhs.gov](mailto:I-9Central@dhs.gov). USCIS accepts calls and emails in English and many other languages. For questions about avoiding discrimination during the employment eligibility verification process (Form I-9 and E-Verify), employers may call the U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section (IER) Employer Hotline at 800-255-8155 (TTY 800-237-2515). IER offers language interpretation in numerous languages. Employers may also email IER at [IER@usdoj.gov](mailto:IER@usdoj.gov) or get more information online at <https://www.justice.gov/ier>.

*Note to Employees*

For general questions about the employment eligibility verification process, employees may call USCIS at 888-897-7781 (TTY 877-875-6028) or email USCIS at [I-9Central@dhs.gov](mailto:I-9Central@dhs.gov). USCIS accepts calls in English, Spanish and many other languages. Employees or applicants may also call the IER Worker Hotline at 800-255-7688 (TTY 800-237-2515) for information regarding employment discrimination based upon citizenship, immigration status, or national origin, including discrimination related to Form I-9 and E-Verify. The IER Worker Hotline provides language interpretation in numerous languages.

To comply with the law, employers must accept any document or combination of documents from the Lists of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee, or an acceptable List A, List B, or List C receipt as described in the Form I-9 instructions. Employers may not require extra or additional documentation beyond what is required for Form I-9 completion. Further, employers participating in E-Verify who receive an E-Verify case result of “Tentative Non-confirmation” (mismatch) must promptly inform employees of the mismatch and give such employees an opportunity to take action to resolve the mismatch. A mismatch means that the information entered into E-Verify from Form I-9 differs from records available to DHS.

Employers may not terminate, suspend, delay training, withhold or lower pay, or take any adverse action against an employee because of a mismatch while the case is still pending with E-Verify. A Final Non-confirmation (FNC) case result occurs if E-Verify cannot confirm an employee’s employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive a FNC may call

USCIS for assistance at 888-897-7781 (TTY 877-875-6028). For more information about E-Verify-related discrimination or to report an employer for discrimination in the E-Verify process based on citizenship, immigration status, or national origin, contact IER’s Worker Hotline at 800-255-7688 (TTY 800-237-2515). Additional information about proper nondiscriminatory Form I-9 and E-Verify procedures is available on the IER website at <https://www.justice.gov/ier> and the USCIS and E-Verify websites at <https://www.uscis.gov/i-9-central> and <https://www.e-verify.gov>.

*Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)*

Whether you are applying for a Federal, state, or local government benefit, you may need to provide the government agency with documents that show you are covered under DED and/or authorized to work based on DED. Check with the government agency requesting documentation about which documents the agency will accept.

Some government agencies use SAVE to confirm the current immigration status of applicants for public benefits and licenses. SAVE can verify that an individual is covered by DED based on an EAD with category A-11 and/or Form I-797, Notice of Action, reflecting approval of your Form I-765 for an EAD with a DED category code of A-11. In most cases, SAVE provides an automated electronic response to benefit-granting agencies within seconds, but occasionally verification can be delayed.

You can check the status of your SAVE verification by using CaseCheck at <https://www.uscis.gov/save/save-casecheck>. CaseCheck is a free service that lets you follow the progress of your SAVE verification case using your date of birth and one immigration identifier number (such as your A-Number or USCIS number) or Verification Case Number. If an agency has denied your application based solely or in part on a SAVE response, the agency must allow you to appeal the decision in accordance with the agency’s procedures. If the agency has received and acted on or will act on a SAVE verification and you do not believe the SAVE response is correct, the SAVE website, <https://www.uscis.gov/save>, has detailed information on how to correct or update your immigration record, make an appointment, or submit a written request to correct records.

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**BILLING CODE 9111-97-P**

<sup>7</sup> For information about filing fee waiver requests including through Form I-912, Request for Fee Waiver, see <https://www.uscis.gov/forms/filing-fees/additional-information-on-filing-a-fee-waiver>.