

# **Employment Authorization Pending the Adjustment of Status Application**

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When an alien applies for adjustment of status, the applicant must make sure that his employment authorization is valid up to the time of his interview. Otherwise, this may present itself as a problem later on.

The alien whose employment authorization may expire sometime before the adjustment of status interview, or the alien who may lack documentation for employment authorization, should see to it that there is proper documentation that authorizes the applicant to engage in employment at the time of the interview.

In cases when an alien's employment authorization will expire around the time of his filing of adjustment of status application, the alien, in accordance to the New York district office which operates differently from the INS under this particular instance, may apply for authorization together with the filing of his application for adjustment of status. The authorization will be stamped directly on the alien's Form I-94.

However, when the alien had already filed for adjustment of status and his work authorization will expire before an interview schedule is even set for him, the alien must file for work authorization. It is required also that he must stop working during this interim period until the work authorization is approved. If the alien continued to work without this approval, his employer may be subjected to sanctions under the Immigration reform and Control Act of 1986.

For non-immigrant aliens with A-3, E, G, H, I, J-1, L & TC visas, they may continue working within a 240 day period by applying for an extension of stay prior to the expiration of his employment authorization and while the adjustment application is pending.