Global Immigration alert

October 2025

United States

DHS announces end to 540-day automatic extension of employment authorization documents

Executive summary

On 30 October 2025, the Department of Homeland Security (DHS) published an interim final rule (IFR) ending the practice of automatically extending the validity of Employment Authorization Documents (EADs) for those filing renewal applications in certain categories. Applicants who file EAD renewals in these categories on or after 30 October 2025 will no longer receive an automatic extension while the renewal application is pending. Instead, an applicant will only have work authorization pursuant to the issuance of a valid, unexpired EAD card. Therefore, the previous up-to 540-day automatic extension period only applies to the eligible renewals filed before 30 October.

Background and analysis

In December 2024, DHS amended its regulations to "permanently" increase the automatic extension period from 180 to 540 days for EAD renewals for certain applicants. Two temporary final rules had previously increased the automatic extension period from 180 to 540 days in 2022 and 2024, respectively. The December 2024 final rule by DHS acknowledged that U.S. Citizenship and Immigration Services (USCIS) processing delays presented challenges to adjudicating EAD renewal applications within the original 180-day timeframe.

The IFR published on 30 October 2025 replaces the December 2024 final rule. The stated purpose of this regulatory change "is to prioritize the proper vetting and screening of aliens before granting a new period of employment authorization and/or a new EAD." The IFR therefore not only eliminates the 540-day extension, but also eliminates automatic extension of eligible EADs altogether, with the exception of those provided by law or via a Federal Register notice for certain Temporary Protected States-related employment documentation.

Regarding the USCIS processing delays cited in the December 2024 final rule, the IFR states that the agency's adjudicative resources will face less strain due to the "administration's policies to reduce EAD filings [by foreign nationals] overall."

What this means

Impacted foreign nationals include certain H-4 spouses eligible to file for an EAD and applicants with a pending I-485 green card application. Although the IFR indicates that current USCIS processing times should enable the approval and issuance of EADs that are timely filed (up to 180 days) prior to expiry, the discontinuation of an increased auto-extension period creates a risk to both foreign national employees and their U.S. employers if there is a gap in work authorization due to processing delays.

Employers of impacted EAD holders are required to complete the Form I-9 reverification process no later than the expiration of the EAD. In order to avoid a gap in employment, impacted employees who applied to renew their EAD on or after 30 October must either present a new, facially valid EAD or other acceptable evidence of continued work authorization by the reverification deadline. Individuals are strongly encouraged to file their EAD renewal application as early as possible (up to 180 days prior to their current EAD's expiration) to reduce the likelihood of a loss of work authorization.

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While the IFR went into effect the date it was published, 30 October, it is also concurrently open for public comment until 1 December 2025. It remains possible that the IFR faces legal challenge.

We will continue to monitor and share future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional or Mehlman Jacobs LLP professional.

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