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Employers Take Action: DHS Stops Automatic EAD Extensions October 30, 2025!

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The Department of Homeland Security (DHS) has issued an interim final rule that eliminates the automatic 540-day extension of Employment Authorization Documents (EADs) for renewal applications filed on or after October 30, 2025.

A timely-filed EAD renewal will no longer extend work authorization while the renewal is pending, unless another rule, statute, or Federal Register notice provides an exception, such as for certain Temporary Protected Status (TPS) designations. EADs that already received an automatic extension before October 30, 2025 are not affected.

This change impacts a wide range of noncitizens who rely on EADs for employment, including adjustment-of-status applicants, H-4 dependent spouses, and humanitarian categories. It will also create new compliance obligations for employers managing I-9 reverification and workforce planning.

Key Points for Employers

- Effective October 30, 2025, renewal applications will no longer trigger automatic extensions of employment authorization.
- The rule applies to categories under 8 C.F.R. § 274a.12(a) and (c) that require Form I-765 renewal.
- It does not apply to automatic extensions provided by statute or Federal Register notice for certain categories (such as TPS).
- The rule is effective immediately upon publication, with a 30-day comment period.

Employers can no longer accept an expired EAD plus a Form I-797C receipt notice as valid proof of continued work authorization for renewals filed on or after October 30, 2025.

Once an EAD expires, employers must reverify employment authorization no later than the expiration date. If the employee cannot present unexpired documentation, they must be taken off active payroll until the renewal is approved.

Employees relying on EADs should expect potential gaps in work authorization, even when renewal applications are filed on time. USCIS allows renewal filings up to 180 days before expiration, so early filing is

essential.

Although the rule takes effect immediately, DHS will accept comments for 30 days following publication. The stated goal is to strengthen security and screening, but the practical result will likely be processing delays and increased risk of employment gaps. Employers should act now to identify employees working under EADs, adjust compliance procedures, and plan for renewals well in advance.

Note on L-2 and E-1/E-2/E-3 Spouses

L-2 spouses and E-1, E-2, and E-3 dependent spouses are work authorized “incident to status” (meaning their status itself provides work authorization) and are not currently required to apply for EADs.

Some individuals in these categories may still hold EADs for convenience or based on prior practice, but the end of the 540-day automatic extension does not affect their ability to work so long as they maintain valid dependent spouse status and an unexpired I-94 reflecting the appropriate spousal classification (L-2S, E-1S, E-2S, or E-3S).

We will continue to monitor DHS and USCIS policy developments closely and will advise if there are any changes to the incident-to-status work authorization framework for L-2 or E dependent spouses.

Recommended Next Steps

- Identify affected employees. Review all current EAD holders and note expiration dates.
- Encourage early filing. Submit renewals up to 180 days before expiration to minimize the risk of lapses.
- Update I-9 processes. Train HR teams that receipt notices will no longer extend employment authorization for new filings.
- Plan for coverage. Develop contingency strategies for employees who may experience a work authorization gap.
- Preserve independent status. Where possible, maintain or pursue other nonimmigrant work authorization (e.g., H-1B, L-1).

EAD Categories Losing the Automatic Extension

The following categories will no longer receive automatic 540-day extensions for renewal applications filed on or after October 30, 2025.

Category	Description	Impact After Oct. 30, 2025
A03	Refugee	Loses 540-day automatic extension
A05	Asylee	Loses 540-day automatic extension

A07	N-8 or N-9 nonimmigrant	Loses 540-day automatic extension
A08	Citizen of Micronesia, Marshall Islands, or Palau	Loses 540-day automatic extension
A10	Withholding of deportation or removal granted	Loses 540-day automatic extension
A12	Temporary Protected Status (TPS) granted	<i>Partially exempt:</i> remains extended by statute or FR notice (1 year or duration of TPS, whichever shorter)
A17	Spouse of E-1/E-2/E-3 principal	<i>Generally unaffected:</i> work authorized incident to status; only impacted if relying on EAD renewal
A18	Spouse of L-1 principal	<i>Generally unaffected:</i> work authorized incident to status; only impacted if relying on EAD renewal
C08	Asylum application pending	Loses 540-day automatic extension
C09	Adjustment of status applicant	Loses 540-day automatic extension
C10	Suspension/Cancellation of Removal or NACARA	Loses 540-day automatic extension
C16	Adjustment based on continuous residence since 1972	Loses 540-day automatic extension
C19	TPS prima facie eligibility	<i>Partially exempt:</i> remains extended by statute or FR notice only
C20	Section 210 Legalization (pending I-700)	Loses 540-day automatic extension
C22	Section 245A Legalization (pending I-687)	Loses 540-day automatic extension

C24	LIFE Legalization	Loses 540-day automatic extension
C26	H-4 dependent spouses	Loses 540-day automatic extension
C31	VAWA self-petitioners	Loses 540-day automatic extension

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