

USCIS Increases Automatic Extension Period of Employment Authorization Documents

On Tuesday, May 3, 2022, U.S. Citizenship and Immigration Services (USCIS) announced a Temporary Final Rule (TFR) that increases the automatic extension period for certain Employment Authorization Documents (EADs) for up to 540 days. The increase will take effect on May 4, 2022. This rule was issued to help avoid gaps in employment for noncitizens with pending EAD renewal applications and stabilize the continuity of operations for U.S. employers.

The TFR, which only applies to those EAD categories currently eligible for an automatic extension of up to 180 days, will temporarily provide up to an additional 360 days of extension time (for a total of up to 540 days). USCIS is offering this benefit as it attempts to work through pending caseloads exacerbated by the COVID-19 pandemic. Beginning October 27, 2023, automatic extensions of employment authorization and EAD validity will revert to the up to 180-day period for those eligible applicants who timely file Form I-765 renewal applications. Specific details of the TFR include the following:

1. Noncitizens with a pending EAD renewal application whose 180-day automatic extension has lapsed and whose EAD has expired will be granted an additional period of employment authorization and EAD validity, beginning on May 4, 2022, and lasting up to 540 days from the expiration date of their EAD, such that they may resume employment if they are still within the up to 540-day automatic extension period and are otherwise eligible.
2. Noncitizens with a pending renewal application still covered under the 180-day automatic extension will be granted an additional extension, up to 360-days, for a total of up to 540 days past the expiration of the current EAD.
3. Noncitizens with a pending renewal application and valid EAD on May 4, 2022, or who timely file an EAD renewal application before Oct. 27, 2023, will be granted an automatic extension of up to 540 days if their EAD expires before the renewal application is processed.

The automatic extension generally will end upon notification of a final decision on the renewal application or the end of the up to 540-day period, whichever comes first.

We will continue to monitor any changes with respect to EAD regulations.



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