

PUBLICATION

Critical Policy Change Alert: DHS Ends Automatic Extension of Employment Authorization Documents

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Today, the Department of Homeland Security (DHS) announced an interim final rule, effective October 30, 2025, ending the agency's longstanding practice of automatically extending the validity of employment authorization documents (EADs) for certain foreign nationals who timely file applications to renew their EADs. This policy change will affect applicants who apply to renew their employment authorization on or after October 30, 2025.

The DHS policy alert – [DHS Ends Automatic Extension of Employment Authorization](#) – confirms that certain foreign nationals who file to renew their EADs on or after October 30, 2025, will no longer receive an automatic extension. The interim final rule ending the automatic extension may cause a temporary lapse in employment authorization while U.S. Citizenship and Immigration Services (USCIS) processes the renewal. Therefore, it is critical that foreign nationals file their renewal applications as early as possible – up to 180 days before the expiration of their current EADs. There are limited exceptions to this rule, including extensions provided by law or through a Federal Register notice for Temporary Protected Status (TPS)-related employment documentation.

Who Is Affected:

The termination of the 540-day automatic extension primarily impacts individuals with pending EAD renewals in certain categories, including:

- Adjustment of Status Applicants
- Asylum Applicants
- Refugees
- H-4 Spouses

Key Changes for Affected Foreign Nationals:

- **Vetting before authorization:** Employment authorization will not be extended until a full screening and vetting process has been completed.
- **Risk of work disruptions:** Affected foreign nationals who file a renewal application may face a temporary lapse in work authorization if their existing EAD expires before their renewal is adjudicated.
- **Employer verification:** Employers must ensure that employees have valid work authorization when hired and, for foreign nationals authorized to work, reverify their employment authorization on or before the expiration date recorded in Form I-9. Employers should track such expiration dates as part of their I-9 process and initiate the reverification process early to allow employees sufficient time to complete the renewal process.

It is essential that affected workers promptly file EAD renewal applications as soon as the 180-day filing window opens. If their application is not approved before their current EAD expires, they must cease working

immediately after the expiration date until the renewal application is approved and they are in possession of the renewed EAD card.

Who Is Not Affected:

The new rule has some limited exceptions, including:

- **Existing automatic extension:** EAD renewal applications filed before October 30, 2025, are not affected by this new rule and remain eligible for the existing automatic 540-day extension.
- **Foreign nationals who are employment-authorized incident to status and not required to obtain an EAD under 8 CFR 274a.12(a):** Certain foreign nationals are employment-authorized by virtue of their status and not required to obtain an EAD as evidence of that authorization. This includes asylees, who may – but are not required to – obtain an EAD as evidence of work authorization. Asylees who previously obtained and presented an EAD as evidence of work authorization may present alternative documentation, such as an unrestricted Social Security card or other List C document, if requested by an employer for I-9 reverification.
- **TPS-related extensions:** Automatic extensions provided by law or a Federal Register notice for TPS-related employment documents are not impacted. However, some TPS designations have also ended, which may also affect work authorization for certain groups.
- **F-1 STEM OPT:** Foreign nationals with timely filed applications for F-1 STEM Optional Practical Training (OPT) EADs remain eligible for a separate automatic extension of up to 180 days – not the longer extension that was terminated under this new rule.

Affected foreign nationals are encouraged to monitor their EAD expiration dates and promptly file renewal applications to avoid any lapse in employment authorization. Employers should also monitor the employment authorization expiration date provided by any employees who select "An alien authorized to work" in Section 1 of Form I-9 (if one is provided) and remind employees of upcoming expiration dates well in advance to allow time for a renewal application, if necessary, to be filed and adjudicated. Employers should remember that employees can present any valid List A or List C document for I-9 reverification; they are not required to present the same type of document previously presented.

Please contact your [Baker Donelson immigration attorney](#) with any questions regarding this change in policy.