

USCIS Announces Increased Automatic Extension Period for Certain EAD Applicants

Insights for Employers Alert | 1 min read

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USCIS [has announced](#) that they increased the automatic extension period for certain applicants to extend their employment authorization documents (EADs). The increase, which is effective immediately, allows for an automatic extension period of up to 540 days and applies to all of the categories which were previously eligible for an 180 day automatic extension of the EADs upon the timely filing of an application for an extension. Eligible categories include those with asylum applications pending, pending applications for adjustment of status, and spouses of certain H-1B nonimmigrants whose H-4 status has not yet expired.

An automatic EAD extension under this rule will depend on the following elements:

- The individual must have timely filed an application to renew their EAD on Form I-765 before the EAD expires (except certain employees with Temporary Protected Status), and the Form I-765 renewal application must remain pending;
- The eligibility category on the front of the EAD must be the same eligibility category as on the employee's Form I-797 Receipt Notice for the application for extension of their EAD (except employees with TPS who may have a C19/A12 combination)
- If the individual is an H-4, E, or L-2 dependent spouse, they must have an unexpired Form I-94 indicating H-4, E, or L-2 nonimmigrant status; and
- The individual must be applying for an extension in a category listed on the USCIS Automatic Employment Authorization Document (EAD) Extension page at <https://www.uscis.gov/eadautoextend>

Please feel free to contact our offices for additional information and for instructions in completing the Form I-9 for automatically extended EADs based on this rule.

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