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DHS Finalizes Removal of Automatic Extensions for Employment Authorization Documents

On Oct. 14, 2026, the U.S. Department of Homeland Security (DHS) published a final rule ending automatic extensions of Employment Authorization Documents (EADs) for workers who file renewals on or after Oct. 30, 2025. The rule adopts without changes an interim final rule issued in October 2025 and takes effect immediately.

Background

An EAD, also known as Form I-766, shows that a noncitizen is legally allowed to work in the United States for a specific period. Employers may use EADs to verify workers' identity and employment authorization when completing the Employment Eligibility Verification form (Form I-9). Since 2016, workers in certain categories who filed a timely renewal could keep working after their EAD card expired, first for up to 180 days and, after a December 2024 final rule, for up to 540 days. On Oct. 30, 2025, the DHS published an interim final rule that amended DHS regulations to end the practice of automatically extending the validity of EADs for noncitizens who filed a timely application to renew their EAD in certain employment authorization categories.

Key Highlights

Under the final rule, EAD renewals filed on or after Oct. 30, 2025, generally do not receive automatic extensions based solely on a pending renewal application. Individuals must wait for approval from the U.S. Citizenship and Immigration Services (USCIS) before obtaining a new period of employment authorization. However, the final rule does not affect the validity of EADs that were automatically extended prior to Oct. 30, 2025.

Employer Takeaway

As a result of the final rule, employers may experience temporary workforce disruptions because most applications cannot file renewals more than 180 days before expiration, increasing the risk of employment authorization gaps. Impacted employers should consider tracking EAD expiration dates, starting the Form I-9 reverification early for impacted workers and encourage impacted employees to file renewals as soon as USCIS will accept them. Employers can consult USCIS's I-9 Central for more information.

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