



DHS ENDS AUTOMATIC EAD EXTENSIONS FOR RENEWAL FILINGS — EFFECTIVE OCTOBER 30, 2025

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Overview

The Department of Homeland Security (DHS) has issued an interim final rule that will end the practice of automatically extending Employment Authorization Documents (EADs) for most noncitizens who file renewal applications in certain categories.

Effective Date:

Beginning **October 30, 2025**, individuals who file EAD renewal applications on or after this date will no longer be eligible for an automatic extension of employment authorization while their renewal remains pending.

Rationale

According to DHS, this change is intended to strengthen screening and vetting processes for employment authorization. By requiring renewed review before extending employment authorization, USCIS aims to enhance its ability to detect fraud, identify individuals who may pose public safety or national security risks, and ensure only properly vetted individuals continue to hold work authorization. On the other hand, this sudden shift without any advance warning is consistent with the Trump administration's policy in favor of restricting immigration.

Limited Exceptions

Automatic extensions will continue only where specifically provided by:

- Statute, or
- A Federal Register notice, such as for certain Temporary Protected Status (TPS) beneficiaries.

The new rule does not affect EADs that were already automatically extended before October 30, 2025. Those extensions remain valid through the applicable extension period currently in effect.

Clarification: F-1 Students Not Affected

This rule does not impact F-1 students, whose employment authorization (including OPT and STEM OPT) is governed by separate regulatory provisions.

Impact on Employers

Employers should anticipate the following:

1. Renewal Timing Will Matter:

Employees who file EAD renewals on or after October 30, 2025, will no longer benefit from an automatic extension and may experience a temporary lapse in work authorization if the new card is not approved before expiration.

2. I-9 Compliance and Reverification:

This change will affect completion and reverification of Forms I-9 for employees who present EADs as their work authorization document. Employers will need to closely monitor EAD expiration and filing dates to determine whether the employee's work authorization remains valid.

3. Administrative Burden:

Employers should expect increased reverification activity and potential workflow disruption for roles dependent on EAD renewals.

Recommended Employer Actions

1. Encourage Early Renewal Filings:

Remind employees that EAD renewal applications may be filed up to 180 days before expiration. Early filing will help avoid employment gaps once automatic extensions are no longer available for later filings. Please note that the earlier rule that mandated processing of EAD extensions within 90 days also no longer exists. If there are excessive delays in the issuance of the EAD extension even if it was filed 180 days prior to the expiration, the employee may be able to file a mandamus action in federal court.

2. Review I-9 Tracking and Internal Procedures:

Ensure your compliance team or I-9 tracking systems can identify which employees' renewals were filed before or after October 30, 2025, as that filing date determines whether an automatic extension applies.

3. Communicate Proactively:

Notify affected employees of the upcoming change and explain that timely filing is now even more critical to maintaining continuous work authorization.

Employer Takeaway

This rule change significantly alters how employers must manage EAD renewals and I-9 reverification. Employers should prepare now to update compliance processes, employee communications, and record-keeping systems to prevent unauthorized work lapses.

We expect litigation which could impact the implementation of this rule. Check with your attorney at Cyrus D Mehta & Partners PLLC for guidance on how this change may impact your workforce and I-9 compliance procedures.