



IMMIGRATION UPDATE - NOVEMBER 03, 2025

Posted on November 3, 2025 by Cyrus Mehta

Headlines:

[DHS Publishes Interim Final Rule Ending Automatic Extension of Certain EADs](#) – The rule does not affect the validity of EADs that were automatically extended before October 30, 2025, or that are otherwise automatically extended by law or through a Federal Register notice, such as for Temporary Protected Status-related employment documentation.

[Presidential Determination Limits Refugee Admissions to Historic Low of 7,500 in FY 2026, Prioritizes Afrikaners From South Africa](#) – The cap is the lowest limit on refugee admissions since establishment of the United States' refugee program in 1980. The latest determination follows the admission in May 2025 of a group of 49 white Afrikaners into the United States as refugees. President Trump has accused the South African government of racial discrimination against Afrikaners, which that government has denied.

Details:

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DHS Publishes Interim Final Rule Ending Automatic Extension of Certain EADs

Effective October 30, 2025, an [interim final rule](#) published the same day ends the automatic extension of certain Employment Authorization Documents (EADs) (Forms I-766) for those who have timely filed an application to renew an EAD in certain employment authorization categories. The Department of Homeland Security (DHS) said the rule does not affect the validity of EADs that were automatically extended before October 30, 2025, or that are otherwise automatically extended by law or through a Federal Register notice, such as for Temporary Protected Status (TPS)-related employment documentation.

DHS noted that certain situations "continue to extend the validity period of a facially expired EAD." An EAD is extended when an EAD beneficiary:

- Presents a Form I-797C, Notice of Action, receipt notice showing timely filing of a renewal EAD application before October 30, 2025. Such EADs maintain an up-to-540-day automatic extension;
- Presents an EAD that has been automatically extended by a Federal Register notice for TPS category A12 or C19 EADs; or
- Is covered under other EAD extensions provided by law, such as the Optional Practical Training [extension](#) for science, technology, engineering, and mathematics students (STEM-OPT) or the F-1 to H-1B [cap-gap](#).

Dependents who have work authorization based on their immigration status, such as L-2 and E spouses, are [not included](#) in this change. These individuals are authorized to work based on their underlying status, not the validity of an EAD. While some may still choose to apply for an EAD for documentation purposes, the expiration of that card does not terminate their work authorization, which continues as long as their status remains valid.

Employers may want to consider:

- Auditing I-9 records and establishing a renewal tracking system to identify at-risk employees.
- Communicating early with foreign national staff to ensure timely filing of renewals (which currently take seven months or more).
- Assessing/developing contingency plans for critical roles potentially affected by EAD lapses.
- Monitoring DHS updates, since the rule invites public comment, which could result in future adjustments.

Given the expected widespread impact on employers and foreign national workers, litigation is likely. [Comments](#) on the interim final rule are due by December 1, 2025.

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Presidential Determination Limits Refugee Admissions to Historic Low of 7,500 in FY 2026, Prioritizes Afrikaners From South Africa

A [Presidential Determination](#) published on October 30, 2025, limits refugee admissions in Fiscal Year (FY) 2026 to 7,500 and prioritizes Afrikaners from

South Africa: "The admissions numbers shall primarily be allocated among Afrikaners from South Africa pursuant to [Executive Order 14204](#), and other victims of illegal or unjust discrimination in their respective homelands."

The latest determination follows the admission in May 2025 of a group of 49 white Afrikaners into the United States as refugees. President Trump has accused the South African government of [racial discrimination](#) against Afrikaners, which that government has [denied](#).

The cap is the [lowest limit](#) on refugee admissions since establishment of the United States' refugee program in 1980. For comparison, the most recent previous refugee admissions cap was 125,000 in FY 2025.

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