

DATE: 11/20/25

Technical Advisory (TA)
DL 25-026

SUBJECT: Interim Final Rule Published Ending the Practice of Automatically Extending Certain EADs

Overview:

After submitting an Employment Authorization Document (EAD) application, USCIS typically sends Form I-797C, Notice of Action, commonly referred to as the receipt notice, to confirm the application was received. EADs are valid only for a limited time and must be renewed before the expiration date listed.

Under current regulations, certain EAD categories may qualify for an automatic extension of up to 540 days if the renewal application is filed before the current EAD expires. This extension is triggered by the receipt notice (Form I-797C), which must show timely filing and match the employment eligibility category listed on the expired EAD. The automatic extension remains in effect until USCIS completes its review and adjudicates the renewal application.

Details:

On October 30, 2025, the U.S. Department of Homeland Security (DHS) issued an Interim Final Rule (IFR) ending the automatic extension of certain Employment Authorization Documents (Forms I-766). Previously, individuals who timely filed a renewal Form I-765, Application for Employment Authorization, were eligible for an automatic extension of up to 540 days. Under the new rule, this automatic extension will no longer apply to renewal applications submitted on or after October 30, 2025.

Effective immediately, the Department of Highway Safety and Motor Vehicles (DHSMV) will discontinue the issuance of credentials based solely on the I-797C receipt notices confirming the filing of renewal applications. This applies even when the application was submitted while the individual maintained valid status on or after October 30, 2025.

Exception: This policy does not apply to beneficiaries of Temporary Protected Status (TPS) who present TPS-related documentation with category codes A12 or C19. For all others, credentials will only be issued upon receipt of an approved Employment Authorization Document (EAD).

Those that do not meet the requirements listed in the ADT are not entitled to issuance or a 60-day permit.

Conclusion:

If you need additional information, please contact your next level of management.