



Nov 10, 2025

Categories:

[Immigration & ICE](#)

[Operations](#)

[Publications](#)

Authors:

[Abigail L. Castle](#)

[Alicia M. Visse-Kroger](#)

DHS Ends Automatic Work Permit Extensions: What It Means for EAD Renewals

On October 29, 2025, the Department of Homeland Security (DHS) announced an [interim final rule](#) (IFR) eliminating the automatic extensions of certain timely filed employment authorization applications. Effective October 30, 2025, most employment authorization document (EAD) renewal applications that previously qualified for the 540-day automatic extension will no longer receive this benefit. However, applications filed before October 30, 2025, will remain unaffected by this change.

This policy shift marks a significant departure from previous DHS practices and could impact thousands of workers and employers who rely on extended work authorization during processing delays.

Background

Under prior policy guidance, certain foreign nationals who timely filed to renew their employment authorization were eligible for an automatic extension of up to 540 days. This policy helped eligible foreign nationals avoid disruptions in their employment authorization amid increasingly lengthy U.S. Citizenship and Immigration Services (USCIS) processing times.

DHS asserts that this policy change is consistent with several of the Trump administration's executive orders and the administration's overarching immigration policy.

Impacted Categories

Several commonly impacted employment eligibility categories include:

- A-3: Refugee
- A-5: Asylee
- A-17: Spouse of a principal E nonimmigrant

- A-18: Spouse of a principal L nonimmigrant
- C-8: Pending Asylum
- C-9: Pending Adjustment of Status under Section 245 of the INA
- C-26: Spouses of certain H-1B principal nonimmigrants

It is important to note that this interim final rule does not affect the 180-day automatic extension available to F-1 students applying for STEM OPT extensions. The STEM OPT extension is authorized under a separate regulatory framework and therefore remains outside the scope of the recent IFR. USCIS has previously confirmed that 8 C.F.R. § 274a.13(d) does not apply to F-1 STEM OPT extensions. While the IFR does not expressly state that STEM OPT is excluded, it acknowledges that its provisions do not alter other regulatory authorities, such as those governing Temporary Protected Status.

Best Practices for Foreign Nationals and Employers

Foreign nationals in the affected categories can no longer rely on automatic extensions once their EAD expires. As a result, depending on USCIS processing times, foreign nationals and employers should be prepared for potential gaps in employment authorization. To minimize disruptions, employers should continue to monitor EAD expiration dates and encourage employees to file renewal applications as early as possible—up to 180 days before the current EAD expires. Early filing is critical to reducing the risk of work authorization interruptions due to delayed adjudication.

Frost Brown Todd's [immigration team](#) is available to help companies and individuals navigate this complex regulatory landscape and mitigate potential business disruptions. Please reach out to the authors if you have questions or need assistance.

© 2026 FBT Gibbons LLP. May be considered attorney advertising in some jurisdictions.