

Publications

Automatic Extensions of Employment Authorization Documents Lengthened to 540 days; Eligible Categories and Conditions Remain the Same

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On May 3, 2022, the U.S. Citizenship and Immigration Services (USCIS) announced that the Department of Homeland Security is temporarily amending existing regulations providing for the automatic extension of certain Employment Authorization Documents (EADs). Prior to this announcement, individuals that filed timely extension applications in qualifying EAD categories could receive an automatic extension of work authorization for up to 180 days. The new temporary rule increases the automatic extension period to up to 540 days from the expiration date of the expiring EAD.

The 540-day automatic extension period applies to all eligible applicants who either:

- Filed their renewal applications **before May 4, 2022** (regardless of whether their 180-day automatic extension has already expired); or
- File their renewal applications starting **May 4, 2022 through October 26, 2023, inclusive**.

The temporary regulations do **not** expand the EAD categories eligible for automatic extensions, and those seeking to qualify for an automatic extension still must have filed a timely application to renew their employment authorization. **Spouses of H, L, and E visa holders** continue to qualify for the automatic extension of up to 540 days **only if** the applicant filed a timely renewal application **and** has a Form I-94 in the applicable status that is valid beyond the EAD expiration date.^[1] Applicants in dependent H, L, and E categories are only eligible for an automatic extension period of up to 540 days or their Form I-94 expiration date, whichever is earlier.

A complete list of EAD categories eligible for automatic extensions, together with applicable conditions for such automatic extensions, can be found on the [USCIS website](https://www.uscis.gov).

If you have any questions regarding the temporary increase in the automatic extension period of EADs, or any other visa or immigration matter, we encourage you to contact your Vorys attorney.

^[1] Note that if an E-2 or L-2 spouse has a Form I-94 designated as E-2S or L-2S, their I-94 provides them with work authorization.