

USCIS Updates Certain Validity Periods for Employment Authorization Documents

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On Dec. 4, 2025, the U.S. Citizenship and Immigration Services (USCIS) issued policy guidance in its Policy Manual updating the maximum validity periods for Employment Authorization Documents (EADs), also known as Form I-766, for certain EAD categories.

Background

To work in the United States, noncitizens must be authorized by the USCIS. Certain foreign nations are eligible to apply for employment authorization by filing an Application for Employment Authorization with the USCIS (Form I-765). If authorized, the USCIS will issue an individual an EAD. An EAD proves that a noncitizen is authorized to work in the United States for a specific period of time. The USCIS has discretion to assign the validity period of EADs issued to authorized foreign nationals in each of the categories of employment authorization.

On July 4, 2025, President Donald Trump signed a tax and spending bill, commonly referred to as the One Big Beautiful Bill Act (OBBBA), into law. Among other provisions, the OBBBA required the validity period for initial and renewal EADs to be one year or the end date of the authorized parole period or duration of Temporary Protected Status (TPS), whichever is shorter, for immigrants paroled as refugees, granted TPS or with a pending TPS application, granted parole, or immigrant spouse of entrepreneur parole. On July 22, 2025, USCIS published a Federal Register notice and issued an announced implementation of the OBBBA.

Key Highlights

Based on the USCIS' announcement, the maximum validity period for initial and renewal EADs will be changed from five years to 18 months for several categories of "aliens," a term used by the USCIS, including those who:

- Are admitted as refugees;
- Are granted asylum;
- Are granted withholding of deportation or removal;
- Have pending applications for asylum or withholding of removal;
- Have pending applications for adjustment of status under INA 245; and
- Have pending applications for suspension of deportation, cancellation of removal or relief under the Nicaraguan Adjustment and Central American Relief Act.

This change affects foreign workers with applications for employment authorization that are pending or filed on or after Dec. 5, 2025, and based on any of the above categories.

Employer Takeaway

This change will likely result in more EAD renewals for employers relying on foreign workers. This will likely significantly increase the number of Forms I-756 the USCIS receives, resulting in longer processing times and potential backlogs. As a result, employers must plan accordingly to avoid disruptions in work authorization.

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