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News & Types: クライアント・アドバイザリー

米国移民局、特定の労働許可証（EAD）の自動延長期間を一時的に延長

5/3/2022

Practices: 移民法

The U.S. Citizenship and Immigration Services (USCIS) has announced that beginning May 4, 2022, it is temporarily amending existing DHS regulations regarding renewals of Employment Authorization Documents (EAD) for certain eligible applicants. The temporary final rule expands upon a previously enacted regulation aimed at alleviating hardships to workers and employers due to growing processing times for EAD renewals.

The new rule temporarily increases the amount of time allowed for an automatic extension of employment authorization from 180 days up to 540 days from the listed EAD expiration date while the timely filed EAD extension application is pending. For EAD renewal applicants with an application pending on May 4, 2022 (the temporary rule's effective date), USCIS will provide up to 360 days (for a total of up to 540 days) of additional automatic extension time to eligible applicants.

Under the previous rule, EAD renewal applicants in eligible categories were issued receipt notices from USCIS (Form I-797C) annotated to indicate that employment authorization was extended for up to 180 days from the EAD's expiration date. Although applicants with pending applications will not receive new receipt notices to reflect the increased period of automatic extension, USCIS has indicated that the original Form I-797C receipt notices which refer to the 180-day automatic extension meet regulatory requirements to document employment authorization. Individuals who present the I-797C, with the qualifying EAD, will receive the up to 540-day extension under the temporary rule.

The 540-day automatic extension applies only to certain categories of EAD applicants who are eligible for the previous 180-day automatic extension. These include most applicants for adjustment of status, spouses of E and L nonimmigrants, and spouses of certain H-1B applicants with an unexpired I-94 showing H-4 nonimmigrant status. The complete list of eligible categories can be found here.

The rule is temporary and is part of the USCIS plan to reduce processing backlogs. Beginning October 27, 2023, automatic extensions will revert back to the up to 180-day period. However, applicants who already have an EAD extension application pending on October 27, 2023 will still be eligible for the remainder of the 540-day automatic extension period while their EAD extension applications are pending.

If you have questions regarding how this may apply to your case, please contact our attorneys.

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