English

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| The eligibility category you listed on your Form I-765 renewal application | Description |

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| (a)(3) | Refugee |

|  |  |
| --- | --- |
| (a)(5) | Asylee |

|  |  |
| --- | --- |
| (a)(7) | N-8 or N-9 |

|  |  |
| --- | --- |
| (a)(8) | Citizen of Micronesia, Marshall Islands, or Palau |

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| --- | --- |
| (a)(10) | Withholding of Deportation or Removal Granted |

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| --- | --- |
| (a)(12) | Temporary Protected Status (TPS) Granted |

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| (a)(17) | Spouse of principal E nonimmigrant with an unexpired I-94 showing E (including E-1S, E-2S and E-3S) nonimmigrant status\* |

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| (a)(18) | Spouse of principal L-1 Nonimmigrant with an unexpired I-94 showing L-2 (including L-2S) nonimmigrant status\* |

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| --- | --- |
| (c)(8) | Asylum Application Pending |

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| (c)(9) | Pending Adjustment of Status under Section 245 of the Act |

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| (c)(10) | Suspension of Deportation Applicants (filed before April 1, 1997)Cancellation of Removal ApplicantsSpecial Rule Cancellation of Removal Applicants Under NACARA |

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| (c)(16) | Creation of Record (Adjustment Based on Continuous Residence Since January 1, 1972) |

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| (c)(19) | Pending initial application for TPS where USCIS determines applicant is prima facie eligible for TPS and can receive an EAD as a “temporary treatment benefit”. |

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| (c)(20) | Section 210 Legalization (pending I-700) |

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| (c)(22) | Section 245A Legalization (pending I-687) |

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| (c)(24) | LIFE Legalization |

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| --- | --- |
| (c)(26) | Spouses of certain H-1B principal nonimmigrants with an unexpired I-94 showing H-4 nonimmigrant status |

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| (c)(31) | VAWA Self-Petitioners |

* لعربية
* 中文
* Creole
* Français
* Português

ALERT: In May 2022, USCIS announced a temporary final rule that increased the automatic extension period for employment authorization and EADs available to certain EAD renewal applicants to up to 540 days. As announced in 2022, beginning Oct. 27, 2023, automatic extensions of employment authorization and EAD validity will revert to the original up to 180-day period for those eligible applicants who timely file Form I-765 renewal applications. This change is not retroactive; all previous up to 540-day automatic extensions will remain in place. For individuals who received an increased automatic extension under this rule, the automatic extension generally will end when they receive a final decision on their renewal application or the end of the up to 540-day period, whichever comes earlier.

Certain renewal applicants who have filed Form I-765, Application for Employment Authorization, qualify for an automatic extension of their expiring employment authorization and/or EADs while their application is pending. You qualify for this extension if you:

* Properly filed Form I-765 for a renewal of your employment authorization and/or EAD before your current EAD expired, and
* Are otherwise eligible for a renewal, which means that:Your renewal application is under a category that is eligible for an automatic extension (see the list of categories below); andThe Category on your current EAD matches the “Class Requested” listed on your Form I-797C Notice of Action, Receipt Notice. (Note: If you are a Temporary Protected Status (TPS) beneficiary or pending applicant, your EAD and this Notice must contain either the A12 or C19 category, but the categories do not need to match each other. In addition, for H-4, E, and L-2 dependent spouses, an unexpired Form I-94 indicating H-4, E, or L-2 nonimmigrant status (including E-1S, E-2S, E-3S, and L-2S class of admission codes) must accompany Form I-797C when presenting proof of employment authorization to an employer for Form I-9, Employment Eligibility Verification, purposes).
* Your renewal application is under a category that is eligible for an automatic extension (see the list of categories below); and
* The Category on your current EAD matches the “Class Requested” listed on your Form I-797C Notice of Action, Receipt Notice. (Note: If you are a Temporary Protected Status (TPS) beneficiary or pending applicant, your EAD and this Notice must contain either the A12 or C19 category, but the categories do not need to match each other. In addition, for H-4, E, and L-2 dependent spouses, an unexpired Form I-94 indicating H-4, E, or L-2 nonimmigrant status (including E-1S, E-2S, E-3S, and L-2S class of admission codes) must accompany Form I-797C when presenting proof of employment authorization to an employer for Form I-9, Employment Eligibility Verification, purposes).
* Your renewal application is under a category that is eligible for an automatic extension (see the list of categories below); and
* The Category on your current EAD matches the “Class Requested” listed on your Form I-797C Notice of Action, Receipt Notice. (Note: If you are a Temporary Protected Status (TPS) beneficiary or pending applicant, your EAD and this Notice must contain either the A12 or C19 category, but the categories do not need to match each other. In addition, for H-4, E, and L-2 dependent spouses, an unexpired Form I-94 indicating H-4, E, or L-2 nonimmigrant status (including E-1S, E-2S, E-3S, and L-2S class of admission codes) must accompany Form I-797C when presenting proof of employment authorization to an employer for Form I-9, Employment Eligibility Verification, purposes).

Proof of an Automatic Extension

The automatic extension period is provided to certain renewal applicants to help prevent gaps in employment authorization and documentation.

To present acceptable proof of the automatic extension of employment authorization and/or EAD validity, you can show your Form I-797C receipt notice that refers to the 180-day extension, along with your qualifying EAD (and also your unexpired Form I-94, if you are an H-4, E, or L-2 dependent spouse, including E-1S, E-2S, E-3S and L-2S class of admission codes). This document combination is also sufficient proof of an up to 540-day automatic extension under the May 2022 temporary final rule, counting from the expiration date on your current EAD.

If you filed a Form I-765 renewal application on or after May 4, 2022, and before Oct. 27, 2023, you may have received a Form I-797C Notice of Action receipt notice that has information regarding the up to 540-day automatic extension. If you were eligible for the automatic extension, this receipt notice, together with your expired EAD (and your unexpired Form I-94, if you are an H-4, E, or L-2 dependent spouse, including E-1S, E-2S, E-3S and L-2S class of admission codes) will serve as acceptable proof of employment authorization and/or EAD validity during the up to 540-day automatic extension period.

If you were eligible for the temporary increase of the automatic extension, but you filed before May 4, 2022, you can determine whether there is any automatic extension time remaining by counting  540 days from the expiration date stated on the front of the EAD. (If you are an H-4, E, or L-2 dependent spouse, including E-1S, E-2S, E-3S and L-2S class of admission codes, count up to either 540 days or the expiration date on Form I-94, whichever is earlier.) Employers should complete Form I-9 using the same guidance applicable to those who present a Form I-797C Notice of Action receipt notice indicating that the Form I-765 renewal application was filed before May 4, 2022, and that states the normal 180-day automatic extension period.

An individual’s automatic extension period may terminate prior to the maximum period either automatically when USCIS issues a denial of the applicant’s Form I-765 renewal application or upon notice.

For guidance on completing Form I-9 covering automatic extensions and proof of employment authorization for hiring, rehiring, and reverification, as well as all other Form I-9-related guidance, visit I-9 Central.

Categories Eligible for Automatic Extensions

The following employment eligible categories are eligible for an automatic extension:

\* For more information on the options available to demonstrate employment authorization for E spouses and L spouses, see E-1 Treaty Traders page (Family of E-1 Treaty Traders and Employees section), E-2 Treaty Investors page (Family of E-2 Treaty Investors and Employees section), E-3 Certain Specialty Occupation Professions from Australia page (Family of E-3 Nonimmigrant Workers section), L-1A Intracompany Transferee Executive or Manager page (Family of L-1 Workers section), or L-1B Intracompany Transferee Specialized Knowledge page (Family of L-1 Workers section).

NOTE: Individuals with a TPS-based EAD may receive an automatic extension of their EAD:

* Through publication of a Federal Register notice extending the TPS designation of the individual’s country, if the Federal Register notice also authorizes an automatic extension of covered individuals’ existing EADs; or
* Through this automatic extension.