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Immigration

## USCIS Updates Guidance, Changes Maximum Validity Period for EADs for Certain Applicants

**Legal Update**

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By Immigration Group

*This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.*

U.S. Citizenship and Immigration Services (USCIS) published updated policy guidance, effective February 7, 2022, that changes the maximum validity period that may be granted for employment authorization documents (EADs) issued to certain applicants and provides general guidance on adjudicating Form I-765, Application for Employment Authorization.

USCIS is now generally granting new and renewed EADs valid for two years to applicants in the following categories:

- Admitted as a refugee (a)(3)
- Granted asylum (a)(5)
- Granted withholding of deportation or removal (a)(10)
- Violence Against Women Act self-petitioner (c)(31)

Additionally, USCIS is generally granting new and renewed EADs, up to the end of the parole or deferred action period, to applicants in the following categories:

- Paroled into the United States for urgent humanitarian reasons or significant public benefit (c)(11)
- Granted deferred action (non-DACA) (c)(14)

USCIS said that increasing the maximum validity period for these categories "will help ease processing backlogs by reducing the frequency and number of times these applicants must renew their EADs and will help prevent gaps in employment authorization and documentation."

New and renewed EADs issued for affected categories on or after February 7, 2022, will reflect the updated validity periods. EADs issued before February 7, 2022, are not affected. USCIS said it will continue to issue replacement EADs with the same

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validity date as the original EAD.