

Explained: End of automatic EAD extensions in the US, likely impact on Indian immigrants

The change reverses a rule that allowed immigrants to continue working for up to 540 days beyond the expiry of work authorisation if their renewal application was filed on time. What visa categories could be most affected, and what should they do?

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The EAD rollback is being viewed as part of the larger tightening of both legal and illegal immigration, in line with the political ideology and promises of the Trump administration. (NYT file photo)

Several weeks after hiking the H-1B visa fees for specialised workers in the United States to \$100,000 a year, the Trump administration has ended the automatic extension of Employment Authorization Documents (EADs).

The Department of Homeland Security (DHS) announced on Wednesday (October 29) that beginning October 30, foreigners who file to renew their EADs will no longer get an automatic extension of work authorisation while their renewal is pending.

The change [**reverses a rule**](#) established during the [**Joe Biden**](#) administration that allowed immigrants to continue working for up to 540 days beyond expiry if their renewal application was filed on time. It could affect thousands of Indian professionals and their families in the country. Here is what to know.

What are Employment Authorization Documents (EADs) in the US?

According to the US government, employers must ensure all employees, regardless of citizenship or national origin, are authorised to work in the country. Having an Employment Authorisation Document (Form I-766/EAD) is one way to demonstrate that an individual is authorised to work in the US for a specific period.

Earlier, applicants who had filed timely EAD renewal applications were automatically granted up to 540 days of work authorisation while their paperwork was pending, to offset processing delays at US Citizenship and Immigration Services (USCIS).

Rahul Reddy, a Houston-based Immigration Attorney, told *The Indian Express*, “If your EAD was expiring, you could continue working for 180 days while the extension was processed. Because of long delays, this was extended to 540 days.”

Who will be most affected?

The new regulation applies to several visa categories, including the H-4 (spouses of H-1B visa holders), L-2 (spouses of L-1 visa holders, or those transferred by their US company from a foreign branch), and certain applicants requiring adjustment of immigration status (green cards).

“This rule affects two main segments of people — those already in the US, who hold employment authorisation documents pending adjustment of status applications, and H-4 visa holders,” said

Reddy.

Virginia-based Immigration attorney Rajiv Khanna added that the policy “completely removes the H-4 EAD protection,” which was already fragile. “For H-4 EADs, which are the most impacted, the problem is that whenever your EAD expires, your status also expires. It really wasn’t helping a lot of people, but there was at least a sense of comfort that we had extra time. Even that’s gone now.” “For Indian nationals, this is particularly severe,” he added. “For most other countries, the green card queue is current. Indians are backlogged for years, so this 540-day protection was a crucial buffer.”

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H-4 visa holders apply for an EAD renewal every three years, but the policy change will lead to a major disruption, Khanna said. Without a timely extension, they would have to stop working. Additionally, they can’t tell employers when they will return because they don’t know when the approval will come. Companies will thus replace them, Reddy said.

Khanna agreed, adding, “There is a substantial subset of Indian H-4 spouses. If they do not have the ability to work, a lot of talent and education are being wasted. The impact is not just economic, there’s a cumulative psychological impact, a kind of slow death by a thousand cuts.”

What was the reason for the change?

The DHS has claimed that ending automatic extensions is necessary to ensure proper “vetting” before allowing a foreign national to continue working, but several immigration lawyers point to some gaps in this logic.

Khanna said, “People on the H-4 visa have already been vetted. They haven’t just come into the United States through any back door. So, it appears to be more of a pretext than a genuine attempt to correct any problem.” Reddy added that citing national security as a concern was baseless. “They also stated that they wanted to prevent employment authorisation for people who might commit violence. That’s absurd, because people don’t need work permits to commit crimes.”

Could the move face legal challenges?

Ordinarily, changes of this scale require a notice-and-comment period, typically 60 days, to allow public feedback. But the DHS issued it as an “interim final rule”, bypassing the process.

“Every regulation that needs to be changed must go through a notice-and-comment period,” Khanna said. “This interim final rule completely circumvents that, manufacturing an emergency which doesn’t exist. They announced it on October 29, saying that from the next day, you will not have this protection. That’s not how governance by law should work.”

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Reddy called it a “clear procedural violation,” adding that his team planned to challenge the rule in court. “They’re supposed to adjudicate EAD applications within 90 days. USCIS itself said it takes them just 15 minutes to review an EAD. Because of their inefficiency, it now takes months. So, we are advising people to sue the USCIS if their EADs are delayed, because once you file in federal court, the immigration department usually rushes to approve the case to avoid facing a judge.”

How does this fit into broader immigration trends?

The EAD rollback is being viewed as part of the larger tightening of both legal and illegal immigration, in line with the political ideology and promises of the Trump administration.

Attorneys say the best course of action for those affected is to apply for renewals early, up to 180 days before the current EAD expires, and prepare for potential work interruptions. Reddy added that some may need to pursue litigation to speed up processing.

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