

Global Immigration alert

December 2025

United States

USCIS announces that the maximum validity period for certain EADs will be reduced

Executive summary

On 4 December 2025, US Citizenship and Immigration Services (USCIS) issued updated policy guidance reducing the maximum validity period for employment authorization documents (EADs) across several eligibility categories, including EADs issued to foreign nationals who have applied for lawful permanent resident status (Form I-485). USCIS states “more frequent vetting” will strengthen screening and vetting processes, deter fraud, and ensure timely identification and removal of individuals who may pose risks to public safety or national security.

Effective 5 December 2025, the impacted eligibility categories will only be granted initial and renewal EADs for up to 18 months or one year (depending on the category) rather than the current maximum period of five years. This change affects EAD applications currently pending or filed on or after that date.

Background and analysis

While some foreign nationals in the United States are authorized to work incident to their immigration status, others must apply for and receive explicit authorization from USCIS, often in the form of an EAD. Historically, USCIS has exercised discretion in determining the validity period of EADs, balancing administrative efficiency with the need for regular review of applicants' eligibility and background. To ensure that it may more frequently deny benefits to “those who are a risk to public safety and nationality security,” USCIS has exercised that discretion to shorten the maximum validity period for certain eligibility categories. This policy change aligns with other recent decisions by the agency,

including the recent end to the 540-day automatic extension for EAD application renewals.

The reduction from five years to either 18 months (I-485 applicants, among others) or one year depending on category reflects a shift toward more frequent background checks and eligibility reviews. The complete list of impacted foreign nationals can be found in the 4 December 2025 [USCIS Policy Alert](#).

What this means

The policy guidance is likely to have a significant impact on foreign nationals who rely on EADs for work authorization and their US employers. For foreign nationals, the reduction in maximum validity periods means more frequent renewals and increased scrutiny of their eligibility to work in the United States. There is a risk of processing delays which lead to gaps in work authorization, with the increase in the number of EAD renewals that USCIS will need to process.

Shorter EAD validity periods mean that US employers must more frequently verify that impacted employees continue to maintain valid work authorization. For adjustment of status applicants who continue to be eligible to extend their underlying nonimmigrant status while their I-485 is pending, employers ought to consider sponsoring those extensions as a strategy for avoiding gaps in work authorization, which may become more likely under the new policy for those relying exclusively on an EAD.

The changes will require both foreign nationals and their US employers to adapt to a more dynamic and closely-monitored employment authorization environment, likely requiring

increased vigilance and compliance efforts to ensure foreign nationals remain authorized to work in the United States.

We will continue to monitor and share future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional or Mehlman Jacobs LLP professional.

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