

USCIS Increases Employment Authorization Document Validity to Five Years for Certain Categories: An Explainer

On September 27, 2023, USCIS issued a [policy alert](#) extending the maximum eligibility period for certain Employment Authorization Documents (“EADs”) and clarifying which noncitizens may use their Form I-94, Arrival/Departure Record, as evidence of employment authorization. These updates aim to reduce the frequency with which individuals must apply for and renew their EADs and ultimately to reduce processing backlogs at USCIS. The purpose of this explainer is to provide information on how these updates may be relevant to impacted students and staff.

Validity Period Extensions

The maximum validity period for initial and renewal EADs has been extended from two to five years for the following categories: refugees,¹ asylum grantees,² withholding of deportation or removal grantees,³ pending applications for asylum or withholding of removal,⁴ and pending applications for adjustment of status under INA 245.⁵ The maximum validity period for initial and renewal EADs for those with pending applications for suspension of deportation or cancellation of removal⁶ have been extended from one year to five years. For individuals paroled as refugees,⁷ the initial and renewal EAD validity period has been extended from one year to the end date of the authorized parole period, not exceeding five years. **Please note that the changes to EAD validity periods are limited to these categories only and do not apply to TPS or DACA applicants or recipients.**

This extension applies to all Forms I-765, Application for Employment Authorization, both pending or filed in the categories above filed on or after September 27, 2023.

Employment Authorized Incident to Status

This policy update outlines two separate categories of individuals who are authorized to work for any employer based on their status. These individuals are categorized as (1) those required to file Form I-765 to obtain an EAD and (2) those who are not required to apply for an EAD. Individuals who are not required to apply for an EAD may use their Form I-94 as both evidence of their status and employment authorization as an acceptable document for Form I-9.

¹ EAD Category (a)(3)

² EAD Category (a)(5)

³ EAD Category (a)(10)

⁴ EAD Category (c)(8)

⁵ EAD Category (c)(9)

⁶ EAD Category (c)(10)

⁷ EAD Category (a)(4)

Certain Ukrainian and Afghan Parolees

The policy update also clarifies that certain Ukrainian and Afghan parolees are authorized to work for any employer based on their status, but similar to refugees, they must file Form I-765 to obtain an EAD. However, the Form I-765 does not need to be approved prior to employment. Certain Ukrainian and Afghan parolees may begin working immediately by providing their valid Form I-94 as temporary proof of identity and work authorization for Form I-9, Employment Eligibility Verification. [Within 90 days of hire](#), however, the employee must provide either an unexpired EAD or an unrestricted social security card and valid [identity](#) document for Form I-9.

Ukrainian parolees must have been paroled into the U.S. between February 24, 2022 and September 30, 2023 with a valid Form I-94 indicating Ukraine as their country of citizenship and class of admission “PAR.” Afghan parolees must have been paroled into the U.S. on or after July 31, 2021 with a valid Form I-94 indicating Afghanistan as their country of citizenship and class of admission “PAR.” It is important to note that this policy update only applies to certain parolees from Ukraine and Afghanistan and does not apply to parolees from other countries at this time.