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DHS Ends Automatic Extensions of H-4 EADs and other Work Authorization Categories

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ELLIE AUGUSTINE
KANSAS CITY:
816.983.8223
ELLIE.AUGUSTINE@
HUSCHBLACKWELL.COM

The Department of Homeland Security has issued an interim final rule ending automatic extensions of work authorization for noncitizens who timely file renewal applications in certain categories, including Employment Authorization Documents (EADs) issued to spouses in H-4 immigration status. This is effective for applications filed on or after October 30, 2025. The rule does not affect EADs that were automatically extended before October 30, 2025. It also does not affect statuses that are automatically extended by law or Federal Register notice, such as those who have Temporary Protected Status.

Those with affected EADs should ensure that their EAD renewal applications are filed in a timely manner. In most cases, the earliest that the application may be filed is 180 days before the expiration of the EAD.

Additional background on this rule is below:

This change affects individuals covered under **8 CFR 274a.12(a)** (those whose work authorization is incident to status) and **8 CFR 274a.12(c)** (those who must apply for and receive an EAD).

For both groups, the right to work ends the day after the expiration date printed on the card. Receipt notices will be updated with the new guidance.

This rule does NOT affect those working under **8 CFR 274a.12(b)**, whose employment is tied to a specific employer, such as H-1Bs, TNs, or other groups.

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Below are the categories previously, but no longer, eligible for the 540-day automatic extension:

Affected categories:

(a)(3): Refugees

(a)(5): Asylees

(a)(7): Parents or dependent children of certain permanent residents

(a)(8): Citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau admitted under agreements

(a)(10): Aliens granted withholding of deportation or removal

(a)(17): Spouses of E-1, E-2, or E-3 nonimmigrants

(a)(18): Spouses of L-1 nonimmigrants

(c)(8): Applicants for asylum and withholding of deportation or removal

(c)(9): Applicants for adjustment of status under INA 245

(c)(10): Applicants for suspension of deportation, cancellation of removal, or special rule cancellation under IIRIRA

(c)(16): Applicants for creation of record of lawful admission for permanent residence

(c)(20): Legalization applicants under INA 210

(c)(22): Legalization applicants under INA 245A

(c)(24): Applicants for adjustment under LIFE Act

(c)(26): Certain H-4 spouses of H-1B nonimmigrants

(c)(31): VAWA self-petitioners (principal beneficiaries or derivative children)

Husch Blackwell's Business Immigration and Global Mobility team offers a Resource Center with insights to help employers navigate the evolving immigration policy landscape.

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