

What You Should Know About the End of the 540-day Automatic Extension of Work Permits Timely Filed for Renewal

THIS CHANGE HAS GONE INTO EFFECT AS OF OCTOBER 30, 2025.

Please seek legal advice from a trusted immigration attorney with questions about this change or how it might impact you or your family.

What is the change that affects work permits filed for renewal as of October 30?

On October 29, 2025, the Department of Homeland Security, U.S. Citizenship and Immigration Services [announced](#) and pre-published an interim final rule which ends the 540-day automatic extensions of work permits for certain categories of individuals, like those who apply to renew work permits based on their pending asylum, green card, or other immigration relief applications. The [rule](#) has now been published and is in effect, with limited exceptions. This means that individuals who timely and properly file for renewals of their work permits will no longer have an automatic extension of their work authorization after the expiration date on their work permit if USCIS does not process the renewal in time. *Please note: this rule does not impact any underlying immigration relief application for which the employment authorization is based upon.

How may this impact me?

Without an automatic extension of their work authorization, individuals who timely and properly file for renewals of their work authorization will likely have a lapse in work authorization before USCIS makes a decision on their renewal application. The enormous backlog at USCIS prevents timely processing and decisions on work permit renewal applications. The 540-day automatic employment authorization extension was implemented in the last days of the Biden administration to prevent gaps in employment authorization for individuals who timely filed for renewal of their work authorization and their work permits expired while awaiting a decision.

What if I filed for renewal of my work authorization before October 30?

This change will not impact individuals whose work permits have been previously automatically extended before October 30, 2025. In other words, this change will not impact individuals who timely filed for renewal of their work permits before October 30, 2025. These individuals will continue to enjoy an automatic extension of their work authorization up to 540-days from the expiration date on their work permit.

What can I do to prepare for this change?

- Make plans to file for a renewal of your work authorization as soon as possible, but no more than 180 days before its expiration.
- Talk to your union rep to find out if your collective bargaining agreements allow leave in order to address work authorization issues.
- Make a family plan in case you face a lapse in work authorization.
- Seek Legal Advice From a Reputable Legal Service Provider It is important for you to seek legal advice if you have questions about this change or how it might impact you or your loved ones. Beware of “notarios” or scammers. Find a reputable legal service provider near you at iAmerica.org/legalhelp.

What if my employer asks me to prove my work authorization?

- **If you filed for a renewal of your work permit before October 30:** Your work authorization remains valid for up to 540 days from the expiration date on your work permit or until USCIS makes a decision on your renewal request. However, employers are obligated to reverify the work authorization of any employee whose work authorization has expired. This means that employers can ask you to show proof that you are authorized to work, but you can show your expired work permit and your receipt notice, the Form I-797C, Notice of Action, Receipt Notice extending its validity period.
- **If you filed for a renewal of your work permit on or after October 30:** If your work authorization is set to expire, employers are obligated to reverify the work authorization of any employee on the date that the work authorization expires. This means that employers can ask you to show proof that you are authorized to work, but only on the date that the work authorization expires. Employers can terminate your employment if you are unable to show valid work authorization documents.
- If you are represented by a union, contact your Union Representative. Employers are obligated to notify the Union if there are any changes that impact your employment, and your Union can assist you with communicating with the employer about your work authorization.

Will there be a legal challenge to this rule?

We expect legal challenges to this new rule.

What do I do if my work authorization ends before I receive a decision on my renewal application?

- **Contact your Union Representative.** Your union can bargain with your employer for an unpaid leave of absence, severance pay, or other separation benefits.
- **Contact a trusted immigration attorney immediately.** Beware of “notarios” or scammers. Find a reputable legal service provider near you at iAmerica.org/legalhelp.

Helpful Partner Resources

- CLINIC, [Field Alert: High Impact](#)
- NILC, [Proving Work Authorization and Reverification](#)

Take Action, and Make your Voice Heard!

Join us in the fight for a more just, humane, and orderly immigration system—one that creates additional legal paths for immigrants to remain in the U.S. with a pathway to citizenship. Text FAMILY to 802495.