AMERICAN IMMIGRATION LAWYERS ASSOCIATION

Employment Authorization Documents: What You Need to Know

An Employment Authorization Document (also called an EAD or work permit) is a card issued by U.S. Citizenship and Immigration Services (USCIS) to show that a noncitizen can legally work in the United States for a temporary period.

What Is considered work?

In the context of immigration, work means providing a service that a U.S. employer would normally have to hire a U.S. worker to perform. However, this can be a very gray area, especially for non-traditional jobs (such as social media influencers, volunteers, and remote workers). You should contact an immigration attorney to confirm whether an activity you plan to carry out in the U.S. may require a work visa or EAD to comply with U.S. immigration laws.

When is an EAD needed?

Certain noncitizens require an EAD to prove that they are authorized to work in the United States. Not all noncitizens are permitted to work, and some noncitizens may work without an EAD. Whether an EAD is needed depends on the noncitizen's type of immigration status.

When an EAD is not needed:

In addition to U.S. citizens and lawful permanent residents (green card holders), individuals with certain other immigration statuses (such as H-1B, L-1, or O-1 temporary workers, refugees, and asylees) can work solely based on their status. They do not need an EAD.

What an EAD CANNOT do:

Having an EAD does not grant a noncitizen immigration status, nor does it authorize travel or re-entry to the United States. EAD applicants should discuss their ability to remain in the United States and any travel questions with their immigration attorney.

Processing Times:

Processing times vary greatly depending on the EAD category, sometimes exceeding a year. For an additional government filing fee, premium processing is available to expedite the processing of EADs for some categories, such as F-1 students. Learn more here.

Validity Period:

An EAD is typically valid for the period printed on the card (usually 1-3 years) and is renewable as long as the underlying status or benefit under which it was granted remains valid.

Renewals:

Extensions for EADs are sometimes available, and if you are eligible, you should apply for the extension well before your current EAD expires to try and prevent a lapse in your ability to work. You should speak to an immigration attorney about the appropriate timeline for submitting an extension request.

Prior to October 30, 2025, certain EAD applicants were eligible to have their work authorization automatically extended when they filed their renewal application in a timely manner. However, this policy has been eliminated for most applicants except for certain individuals with Temporary Protected Status and students with STEM Optional Practical Training.

This flyer is intended for general information purposes only and does not constitute legal advice. You should not act or rely on any information in this flyer without seeking the advice of a competent, licensed immigration attorney.

If you do not have an immigration attorney, you may find a licensed one at www.ailalawyer.com

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