

United States Senate

WASHINGTON, DC 20510

November 5, 2025

Joseph B. Edlow, Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, M.D.
20746

Dear Director Edlow,

We write to express deep concern regarding United States Citizenship and Immigration Services' (USCIS) recently announced interim final rule ending the automatic extension of employment authorization documents (EAD) for individuals who have filed timely renewal applications. This change, to be implemented while significant processing backlogs persist, will have devastating consequences for workers, families, and employers across the country.

USCIS's own data makes clear that the agency continues to face severe delays in adjudicating EAD renewals within expected processing timeframes.¹ As a result, individuals who have already been deemed legally authorized to work will lose their jobs for no reason other than the government not having the capacity to process their paperwork in time. Ending automatic extensions under these conditions is effectively penalizing people for USCIS's administrative shortcomings.

Compounding this problem, USCIS recommends that applicants file for renewal up to 180 days—six months—before their work permit expires. Yet, at the time of the rule's publication, the agency's average processing time for many of the EAD categories covered by the extension exceeds six and a half months.² This processing reality ensures that, even when applicants submit their renewals at the recommended date, their authorization will lapse before a new document can be issued. In practice, this rule creates the conditions for lawfully employed individuals to be forced out of the workforce through no fault of their own.

This policy shift is not only unfair, but also economically reckless. Employers in practically

¹According to the latest USCIS data, as of June 30, 2025, 165,893 EAD renewal applications had been pending for 180 days or more, a significant increase from the 158,472 applications pending in this backlog as of December 31, 2024. USCIS, *I-765, Application for Employment Authorization, Counts of Pending Petitions by Days Pending for All Eligibility Categories and (c)(8) Pending Asylum Category* (June 30, 2025), https://www.uscis.gov/sites/default/files/document/data/i765_p_allcat_c08_fy2025_q3.xlsx; USCIS, *I-765, Application for Employment Authorization, Counts of Pending Petitions by Days Pending for All Eligibility Categories and (c)(8) Pending Asylum Category* (December 31, 2024), https://www.uscis.gov/sites/default/files/document/data/i765_p_allcat_c08_fy2025_q1.xlsx.

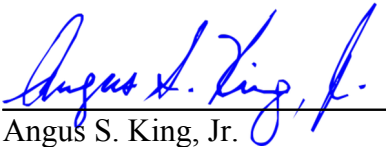
² U.S. Citizenship and Immigration Services. (2025, October 29). Check Case Processing Times. Case Status Online. Retrieved October 29, 2025, from <https://egov.uscis.gov/processing-times/>

every sector—from health care and education to agriculture and food services—are all seeking to fill open positions. Removing the ability from employers to employ those who are authorized to work, tax-paying, and essential to our communities drastically undermines our economy.

We strongly urge USCIS to withdraw this rule and instead focus on addressing the underlying backlogs that have caused these processing delays. If the agency proceeds with this rule, it must at minimum delay implementation until it can demonstrate that it has present capacity to routinely process renewal applications within a timeframe that prevents lapses in employment authorization for timely-filed renewal applications. Anything less will cause significant harm to workers, businesses, and the U.S. economy.

Thank you for your prompt attention to this matter. We look forward to your response outlining the steps USCIS intends to take to ensure that employment-authorized individuals are not stripped of their ability to work due to agency inaction.

Sincerely,



Angus S. King, Jr.
United States Senator



Catherine Cortez Masto
United States Senator



Mazie K. Hirono
United States Senator



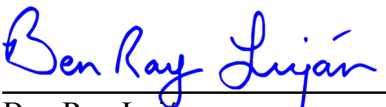
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