

U.S. CIS Publishes New Rule for Validity Periods of Employment Authorization Documents

August 3, 2004

On July 29, 2004 CIS published a new interim rule that lifts the one year maximum validity period for all Employment Authorization Documents ("EAD") issued. The rule establishes EAD validity periods based on the following criteria: a) the applicants immigration status, b) the general processing time for the underlying petition or application, c) the required background checks and response times for background checks by other agencies, and d) other security considerations and factors as deemed appropriate by CIS. The rule gives CIS discretion to issue EADs with validity periods for longer than one year to initial, renewal and replacement EAD applications.

This new rule was promulgated because CIS recognizes that validity periods needs to be long enough to significantly lessen the burden created by the filing, adjudication, and issuance of EAD renewals. Removing this burden, states CIS, will allow them to better focus its policy and resources on improving the security and integrity of EADs and the security, integrity, and efficiency of CIS application processes.

For more information about this, or other U.S. immigration issues, please contact our Miller Canfield Immigration Practice. This message is for general information only and should not be used as a basis for specific action without obtaining further legal advice.