

USCIS Reissuing Employment Authorization Document (EAD) Receipt Notices for Certain EAD Categories Filed Between July 21, 2016 and Jan. 17, 2017

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Beginning Feb. 16, 2016, USCIS began reissuing receipt notices on Form I-797 to applicants who continue to have pending applications for **renewed employment authorization** (EAD applications) under certain categories that were originally filed between July 21, 2016 and Jan. 16, 2017. EAD applications that were filed during this window did not fall within the benefits of the finalized rules to modernize and improve employment-based non-immigrant and immigrant visa programs, published by the U.S. Department of Homeland Security, and which took effect on Jan. 17, 2017.

Specifically, USCIS began reissuing EAD receipt notices for the below categories because some of the receipt notices issued by USCIS between July 21, 2016 and Jan. 16, 2017 did not indicate the EAD category. These EAD categories are:

- (a)(3) Refugee
- (a)(5) Asylee
- (a)(7) N-8 or N-9
- (a)(8) Citizen of Micronesia, Marshall Islands, or Palau
- (a)(10) Withholding of deportation or removal granted
- (c)(8) Asylum application pending
- (c)(9) Pending adjustment of status under section 245 of the Immigration and Nationality Act
- (c)(10) Suspension of deportation applicants (filed before April 1, 1997), cancellation of removal applicants, and special rule cancellation of removal applicants under NACARA
- (c)(16) Creation of record (Adjustment based on continuous residence since January 1, 1972)
- (c)(20) Section 210 Legalization (pending Form I-700)

- (c)(22) Section 245A Legalization (pending Form I-687)
- (c)(24) LIFE Legalization
- (c)(31) VAWA self-petitioners

As part of the finalized rules that took effect on Jan. 17, 2017, USCIS indicated on the EAD renewal receipt notice the EAD category for renewal applications that were filed after Jan. 16, 2017. Under the finalized rules, applicants could present the EAD renewal receipt notice to their employer as a valid List A document for Form I-9, Employment Eligibility Verification, to show that they had continued work authorization for 180 days while USCIS reviewed their EAD renewal applications. By reissuing the receipt notices to EAD renewal applicants who filed applications between July 21, 2016 and Jan. 16, 2017 under the above-listed categories, these EAD renewal applicants can present the reissued receipt notice to their employer for Form I-9 and take advantage of the finalized rules providing 180-day extensions in employment authorization.

Absent from the above-listed EAD categories are dependents of popular employment-based nonimmigrant visas, such as the H-4, L-2, and E-3D, as well as EAD applicants who have Deferred Action for Childhood Arrivals (DACA), or Temporary Protected Status (TPS), which give applicants authorization to remain in the United States.

Applicants who file for an EAD renewal based on TPS already receive a 6-month extension through the Federal Register notice that extended their respective country's TPS designation. For the other EAD renewal applicants, they must present the actual EAD to their employer to verify their continued employment authorization. The specific categories are noted below:

- (a)(17) Spouse of an E nonimmigrant
- (a)(18) Spouse of an L nonimmigrant
- (c)(26) Spouse of an H-1B nonimmigrant
- (c)(33) Consideration of Deferred Action for Childhood Arrivals

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