



USCIS Employment Authorization Documents

March 19, 2018

Fiscal Year 2017 Report to Congress



**Homeland
Security**

U.S. Citizenship and Immigration Services

Message from U.S. Citizenship and Immigration Services

March 19, 2018

I am pleased to present the following report, “USCIS Employment Authorization Documents,” which has been prepared by U.S. Citizenship and Immigration Services (USCIS).

This report was compiled pursuant to language set forth in Senate Report 114-264 accompanying the Fiscal Year (FY) 2017 Department of Homeland Security Appropriations Act (P.L. 115-31).

Pursuant to congressional requirements, this report is being provided to the following Members of Congress:



The Honorable John R. Carter
Chairman, House Appropriations Subcommittee on Homeland Security

The Honorable Lucille Roybal-Allard
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable John Boozman
Chairman, Senate Appropriations Subcommittee on Homeland Security

The Honorable Jon Tester
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

I am pleased to respond to any questions you may have. Please do not hesitate to contact me at (202) 272-1000 or the Department’s Acting Chief Financial Officer, Stacy Marcott, at (202) 447-5751.

Sincerely,

A handwritten signature in blue ink that reads "LFC".

L. Francis Cissna
Director
U.S. Citizenship and Immigration Services

Executive Summary

This report provides the information requested by the Senate Appropriations Committee regarding the number of employment authorization documents (EAD) issued annually from FY 2012 through FY 2015, the validity period of those EADs, and the policies governing validity periods of EADs.

As requested, the report provides details on the number and type of EAD approvals by USCIS. From FYs 2012–2015, USCIS approved more than 6 million EADs in multiple categories. The three primary categories were Deferred Action for Childhood Arrivals (DACA), Temporary Protected Status (TPS), and individuals with pending adjustment of status cases.

Most of the EADs were issued with a 1-year validity period, although the vast majority of the DACA-related EADs were issued with 2-year validity periods.

USCIS establishes the validity period of EADs through regulations, Federal Register notices, and policy memoranda. Validity periods for EADs may be dependent on the validity period of the underlying basis for eligibility (e.g., TPS) or the estimated amount of time that USCIS anticipates an applicant's underlying benefit request will be pending adjudication (e.g., pending applications for adjustment of status to lawful permanent resident). USCIS may establish different validity periods for employment authorization on the basis of its need to reevaluate work authorization eligibility at regular intervals and to establish that the applicant continues to pose no known security risk to the United States.



USCIS Employment Authorization Documents Fiscal Year 2017

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I. Legislative Language

This document has been compiled in response to language included in Senate Report 114-264, which accompanies the Fiscal Year (FY) 2017 Department of Homeland Security Appropriations Act (P.L. 115-31).

Senate Report 114-264 states:

EMPLOYMENT AUTHORIZATION DOCUMENTS

The Committee directs USCIS to report on the number of employment authorization documents [EADs] issued annually from fiscal year 2012 through fiscal year 2015, including the validity period of those EADs broken down by any associated benefit type, and on the policies governing the validity period of the EADs.

II. Background

Congress enacted the Immigration Reform and Control Act of 1986 (IRCA) to deter illegal immigration to the United States by discouraging unauthorized employment. In implementing IRCA, the legacy Immigration and Naturalization Service (INS) created the employment authorization document (EAD) to provide certain classes of foreign nationals with evidence of their authorization to work in the United States.

Authorization to work in the United States depends on the individual's immigration status, whether he or she is in a period of authorized stay, and other circumstances. There are three classes of eligibility for employment authorization: employment authorized incident to status, employment authorized for a specific employer incident to status, and persons required to apply for employment authorization.

A. Employment authorized incident to status

The classes of aliens authorized employment incident to status includes lawful permanent residents (LPR), asylees, T-1 victims of trafficking, U-1 victims of criminal activity, and those granted Temporary Protected Status (TPS), among other classes. The admission or subsequent change of a person's status to one of these classes allows unrestricted type and location of employment. Although employment authorization for this class is automatic, many people within this class still are required to submit an Application for Employment Authorization (Form I-765) if they would like to receive an EAD as evidence of their employment authorization or immigration status to provide to employers or law enforcement agents.

B. Employment authorized for a specific employer incident to status

Certain foreign nationals are authorized employment with a specific employer as a result of their immigration status. These include A-1 foreign government officials, E-1 treaty traders, H-1B temporary workers, and L-1 intracompany transferees, among other classes. Individuals in this category are not required to file an application for employment authorization and are eligible to be employed by a specific employer only.

C. Persons required to apply for employment authorization

Certain foreign nationals must apply to U.S. Citizenship and Immigration Services (USCIS) to get employment authorization, obtain approval, and receive an EAD before accepting any employment in the United States. Persons in this category are not entitled to employment authorization solely on the basis of immigration status or other underlying eligibility bases and must meet additional criteria. This category includes spouses and children of foreign government officials, certain students, parolees, B-1 business visitors, and witnesses, among other classes.

Under Title 8, section 274a.12(a) of the Code of Federal Regulations (CFR), USCIS has discretion to determine the validity period assigned to any document issued evidencing authorization to work in the United States. USCIS establishes the validity periods of each category of EAD through regulation, policy memoranda, and Federal Register notices. Validity periods may be dependent on the validity period of the underlying basis for eligibility (e.g., TPS) or the estimated amount of time that USCIS anticipates an applicant's underlying benefit request will be pending adjudication (e.g., pending applications for adjustment of status to lawful permanent resident). USCIS may establish different validity periods for employment authorization on the basis of its need to reevaluate work authorization eligibility at regular intervals and to establish that the applicant continues to pose no known security risk to the United States.

III. Data Report

Tables 1 and 2 below provide the USCIS data on employment authorization documents for FYs 2012–2015, in response to the first two parts of the Senate request.

**Table 1: United States Citizenship and Immigration Services
Approvals of Form I-765, Application for Employment Authorization,
by Validity Period, FYs 2012–2015**

Fiscal Year	0 – 365 Days	366 – 729 Days	730 Days or Greater	No date provided	Grand Total
<i>2012</i>	705,803	458,981	64,491	856	1,230,131
<i>2013</i>	672,718	984,078	15,689	798	1,673,283
<i>2014</i>	766,232	269,424	186,644	914	1,223,214
<i>2015</i>	901,805	360,250	698,170	3,991	1,964,216

**Table 2: United States Citizenship and Immigration Services
Approvals of Form I-765, Application for Employment Authorization,
by Validity Period and Category, FYs 2012-2015¹**

Fiscal Year / Category	0 – 365 Days	366 – 729 Days	730 Days or Greater	No date provided	Grand Total
2012	705,803	458,981	64,491	856	1,230,131
A2 Lawful Temporary Resident	202	1	45	1	249
A3 Refugee	904	36,655	20,718	3	58,280
A4 Paroled Refugee	16	44	1	3	64
A5 Granted Asylum	6,008	23,312	13,779	11	43,110
A6 K-1/K-2 Fiancé(e)	150	4	-	-	154
A7 N-8/N-9 Nonimmigrant	15	4	1	-	20
A8 Citizen of Micronesia, Marshall Islands, or Palau	7	3	344	-	354
A9 K-3/K-4 Nonimmigrant	65	39	2	4	110
A10 Granted Withholding of Deportation or Removal	13,836	42	9	4	13,891
A11 Deferred Enforced Departure	475	1,131	-	-	1,606
A12 Temporary Protected Status ²	5,053	290,892	71	17	296,033
A13 Granted Voluntary Departure under Family Unity Program	10	19	23	-	52
A14 Granted Family Unity under Legal Immigration Family Equity (LIFE) Act	-	-	2	-	2
A15 V Nonimmigrant	45	993	195	-	1,233
A16³ T-1 Nonimmigrant	1	2	33	-	36

¹ Data include replacement EADs for all categories.

² Includes initial requests, replacements, and renewals of TPS.

³ Initial EADs are provided to T-1 principals without their having to submit an I-765; therefore, initial EADs for these persons are not included in the table. EAD renewals and replacements are included.

Fiscal Year / Category	0 – 365 Days	366 – 729 Days	730 Days or Greater	No date provided	Grand Total
A17 Spouse of E-1 or E-2 Treaty Trader or Investor	876	4,286	370	1	5,533
A18 Spouse of L-1 Intracompany Transferee	3,761	10,404	3,621	2	17,788
A19⁴ U-1 Nonimmigrant	40	29	517	-	586
A20 U-2, U-3, U-4, or U-5 Nonimmigrants	351	634	6,037	-	7,022
C1 Spouse or Dependent of A-1/A-2 Foreign Government Official	321	435	1,042	-	1,798
C011 Spouse of A-1 Foreign Government Official	2	3	-	-	5
C2 Spouse or Dependent of E-1 Employee of the Coordination Council for North American Affairs	12	5	1	-	18
C031 Student in Optional Practical Training	34	1	-	-	35
C032 Student employed by international organization	41	-	-	-	41
C033 Student seeking employment because of severe economic hardship	1,161	8	2	-	1,171
C3A Student seeking precompletion practical training	3,203	14	1	-	3,218
C3B Student seeking post-completion practical training	95,043	413	43	5	95,504
C3C Student seeking 24-month Science, Technology, Engineering and Math (STEM) extension	70	16,517	35	2	16,624
C4 Spouse or Dependent of G-1/G-3/G-4 Foreign Government Official	496	427	1,148	-	2,071

⁴ Initial EADs are provided to U-1 principals without their having to submit an I-765; therefore, initial EADs for these persons are not included in the table. EAD renewals and replacements are included.

Fiscal Year / Category	0 – 365 Days	366 – 729 Days	730 Days or Greater	No date provided	Grand Total
C5 Spouse or Dependent of an J-2 exchange visitor	4,496	2,110	1,046	2	7,654
C6 M-1 student seeking post-completion practical training	203	8	-	-	211
C7 Dependent of North Atlantic Treaty Organization (NATO)-1 through NATO-7 Nonimmigrant	56	105	207	-	368
C8 Pending asylum applicant	54,592	149	47	39	54,827
C9 Pending adjustment of status	233,365	34,793	12,127	717	281,002
C09P EAD/Advance Parole combo card	180,151	6,453	1,382	7	187,993
C10 Suspension of deportation (filed before April 1, 1997); Cancellation of Removal; Cancellation under Nicaraguan Adjustment and Central American Relief Act (NACARA)	63,564	92	13	18	63,687
C11 Paroled in the public interest	6,063	21,529	808	3	28,403
C12 Spouse of an E-2 Commonwealth of the Northern Mariana Islands (CNMI) Investor	6	5	-	-	11
C14 Deferred Action (non-Deferred Action for Childhood Arrivals (DACA))	6,594	368	185	4	7,151
C16 Section 249 registry applicant	11	-	-	2	13
C171 B-1 personal or domestic servant of a nonimmigrant employer	402	12	1	-	415
C172 B-1 domestic servant of a U.S. citizen	299	-	-	-	299
C173 B-1 foreign airline employee	1	-	-	-	1

Fiscal Year / Category	0 – 365 Days	366 – 729 Days	730 Days or Greater	No date provided	Grand Total
C18 Final Order of Deportation with Order of Supervision ⁵	21,601	89	52	5	21,747
C19 <i>Prima facie</i> eligible TPS applicant ⁶	576	5,197	19	6	5,798
C20 Pending legalization under Immigration and Nationality Act (INA) section 210	142	-	-	-	142
C21 S Nonimmigrant – witness or informant	2	10	110	-	122
C22 Legalization applicant under INA section 245A	249	-	-	-	249
C24 Adjustment applicant under LIFE Act legalization	75	1	-	-	76
C25 T-2, T-3, T-4, T-5, or T-6 Nonimmigrants	30	77	433	-	540
C29 Spouse of G Nonimmigrant	1	-	-	-	1
C31 Violence Against Women Act (VAWA) self-petitioner	1,059	6	-	-	1,065
C33 DACA ⁷	1	1,659	21	-	1,681
No category identified	66	1	-	-	67

⁵ 8 CFR 274a.12(c)(18). An alien against whom a final order of deportation or removal exists and who is released on an order of supervision under the authority contained in section 241(a)(3) of the INA may be granted employment authorization at the discretion of the district director only if the alien cannot be removed because of the refusal of all countries designated by the alien or under section 241 of the INA to receive the alien, or because the removal of the alien is otherwise impracticable or contrary to the public interest. Additional factors that may be considered by the district director in adjudicating the application for employment authorization include, but are not limited to, the following: (i) the existence of economic necessity to be employed; (ii) the existence of a dependent spouse and/or children in the United States who rely on the alien for support; and (iii) the anticipated length of time before the alien can be removed from the United States.

⁶ Initial TPS applicants may receive “temporary treatment benefits” if they are *prima facie* eligible for TPS prior to final adjudication of their TPS application. Such benefits may include an EAD if requested. See 8 C.F.R. §§ 244.5; 244.10(e).

⁷ Data on C33 DACA EADs include replacement EADs. USCIS’s quarterly DACA reports exclude replacement EADs.

Fiscal Year / Category	0 – 365 Days	366 – 729 Days	730 Days or Greater	No date provided	Grand Total
2013	672,718	984,078	15,689	798	1,673,283
A2 Lawful Temporary Resident	84	2	30	-	116
A3 Refugee	978	65,461	639	14	67,092
A4 Paroled Refugee	31	50	-	-	81
A5 Granted Asylum	4,926	35,183	255	20	40,384
A6 K-1/K-2 Fiancé(e)	180	1	-	-	181
A7 N-8/N-9 Nonimmigrant	17	-	-	-	17
A8 Citizen of Micronesia, Marshall Islands, or Palau	26	-	296	-	322
A9 K-3/K-4 Nonimmigrant	65	21	-	2	88
A10 Granted Withholding of Deportation or Removal	13,459	60	6	2	13,527
A11 Deferred Enforced Departure	144	946	-	-	1,090
A12 Temporary Protected Status	3,632	273,401	42	20	277,095
A13 Granted Voluntary Departure under Family Unity Program	3	27	5	-	35
A14 Granted Family Unity under LIFE Act	-	1	-	-	1
A15 V Nonimmigrant	24	936	70	3	1,033
A16 T-1 Nonimmigrant	8	2	22	-	32
A17 Spouse of E-1 or E-2 Treaty Trader or Investor	759	4,841	43	1	5,644
A18 Spouse of L-1 Intracompany Transferee	3,625	13,934	355	2	17,916
A19 U-1 Nonimmigrant	35	24	432	-	491

Fiscal Year / Category	0 – 365 Days	366 – 729 Days	730 Days or Greater	No date provided	Grand Total
A20 U-2, U-3, U-4, or U-5 Nonimmigrants	350	660	6,282	3	7,295
C1 Spouse or Dependent of A-1/A-2 Foreign Government Official	273	405	1,104	-	1,782
C011 Spouse of A-1 Foreign Government Official	4	23	-	-	27
C2 Spouse or Dependent of E-1 Employee of the Coordination Council for North American Affairs	10	8	-	-	18
C031 Student in Optional Practical Training	29	1	-	-	30
C032 Student employed by international organization	33	2	-	-	35
C033 Student seeking employment because of severe economic hardship	812	3	-	-	815
C034 Special student relief	-	1	-	-	1
C3A Student seeking pre- completion practical training	3,500	14	-	1	3,515
C3B Student seeking post- completion practical training	100,387	343	43	4	100,777
C3C Student seeking 17-month STEM extension	81	18,990	43	1	19,115
C4 Spouse or Dependent of G-1/G-3/G-4 Foreign Government Official	542	437	1,109	-	2,088
C5 Spouse or Dependent of an J-1 exchange visitor	4,314	2,231	1,103	1	7,649
C6 M-1 student seeking post- completion practical training	199	2	1	-	202
C7 Dependent of NATO-1 through NATO-7 Nonimmigrant	49	111	202	-	362

Fiscal Year / Category	0 – 365 Days	366 – 729 Days	730 Days or Greater	No date provided	Grand Total
C8 Pending asylum applicant	59,449	178	22	32	59,681
C9 Pending adjustment of status	223,107	18,835	497	488	242,927
C09P EAD/Advance Parole combo card	139,917	44,500	361	3	184,781
C10 Suspension of deportation (filed before April 1, 1997); Cancellation of Removal; Cancellation under NACARA	75,101	136	10	32	75,279
C11 Paroled in the public interest	6,276	28,290	118	6	34,690
C12 Spouse of an E-2 CNMI Investor	6	7	-	-	13
C14 Deferred Action (non-DACA)	5,265	420	68	3	5,756
C16 Section 249 registry applicant	15	-	-	-	15
C17 B-1 Nonimmigrant	1	-	-	-	1
C171 B-1 personal or domestic servant of a Nonimmigrant employer	393	3	-	1	397
C172 B-1 domestic servant of a U.S. citizen	304	3	1	-	308
C173 B-1 foreign airline employee	2	-	-	-	2
C18 Final Order of Deportation/Order of Supervision ⁸	22,352	58	13	7	22,430

⁸ 8 CFR 274a.12(c)(18). An alien against whom a final order of deportation or removal exists and who is released on an order of supervision under the authority contained in section 241(a)(3) of the INA may be granted employment authorization at the discretion of the district director only if the alien cannot be removed because of the refusal of all countries designated by the alien or under section 241 of the INA to receive the alien, or because the removal of the alien is otherwise impracticable or contrary to the public interest. Additional factors that may be considered by the district director in adjudicating the application for employment authorization include, but are not limited to, the following: (i) the existence of economic necessity to be employed; (ii) the existence of a dependent spouse and/or children in the United States who rely on the alien for support; and (iii) the anticipated length of time before the alien can be removed from the United States.

Fiscal Year / Category	0 – 365 Days	366 – 729 Days	730 Days or Greater	No date provided	Grand Total
C19 TPS applicant	602	1,244	-	-	1,846
C20 Pending Legalization (Special Agricultural Worker (SAW)) under INA section 210	68	-	-	-	68
C21 S Nonimmigrant – witness or informant	11	24	66	-	101
C22 Legalization applicant under INA section 245A	106	-	-	2	108
C24 Adjustment applicant under LIFE Act legalization	21	1	-	-	22
C25 T-2, T-3, T-4, T5, or T-6 Nonimmigrant	35	77	605	-	717
C31 VAWA self-petitioner	1,078	2	-	-	1,080
C33 DACA ⁹	29	472,179	1,846	150	474,204
No category identified	1	-	-	-	1

⁹ Data on C33 DACA EADs include replacement EADs for all categories. USCIS's quarterly DACA reports exclude replacement EADs.

Fiscal Year / Category	0 – 365 Days	366 – 729 Days	730 Days or Greater	No date provided	Grand Total
2014	766,232	269,424	186,644	914	1,223,214
A2 Lawful Temporary Resident	42	-	48	-	90
A3 Refugee	375	23,165	40,619	8	64,167
A4 Paroled Refugee	10	4	-	2	16
A5 Granted Asylum	4,558	11,953	19,667	14	36,192
A6 K-1/K-2 Fiancé(e)	213	-	-	1	214
A7 N-8/N-9 Nonimmigrant	12	2	-	-	14
A8 Citizen of Micronesia, Marshall Islands, or Palau	5	-	326	-	331
A9 K-3/K-4 Nonimmigrant	46	17	1	-	64
A10 Granted Withholding of Deportation or Removal	14,813	39	3	8	14,863
A11 Deferred Enforced Departure	377	8	-	-	385
A12 Temporary Protected Status	2,830	82,560	35	13	85,438
A13 Granted Voluntary Departure under Family Unity Program	10	14	2	-	26
A14 Granted Family Unity under LIFE Act	1	1	-	-	2
A15 V Nonimmigrant	21	1,027	232	3	1,283
A16 T-1 Nonimmigrant	6	1	31	-	38
A17 Spouse of E-1 or E-2 Treaty Trader or Investor	890	5,100	503	2	6,495
A18 Spouse of L-1 Intracompany Transferee	3,647	9,431	6,162	4	19,244
A19 U-1 Nonimmigrant	143	33	672	2	850

Fiscal Year / Category	0 – 365 Days	366 – 729 Days	730 Days or Greater	No date provided	Grand Total
A20 U-2, U-3, U-4, or U-5 Nonimmigrants	467	869	9,045	4	10,385
C1 Spouse or Dependent of A-1/A-2 Foreign Government Official	224	465	1,107	1	1,797
C011 Spouse of A-1 Foreign Government Official	4	81	-	-	85
C2 Spouse or Dependent of E-1 Employee of the Coordination Council for North American Affairs	8	3	7	-	18
C031 Student in Optional Practical Training	13	1	-	-	14
C032 Student employed by international organization	31	1	-	-	32
C033 Student seeking employment because of severe economic hardship	675	5	1	-	681
C3A Student seeking pre- completion practical training	3,573	11	-	-	3,584
C3B Student seeking post- completion practical training	109,496	354	13	11	109,874
C3C Student seeking 17-month STEM extension	94	21,848	31	4	21,977
C4 Spouse or Dependent of G-1/G-3/G-4 Foreign Government Official	601	454	1,104	-	2,159
C5 Spouse or Dependent of a J-1 exchange visitor	4,982	1,709	1,059	1	7,751
C6 M-1 student seeking post- completion practical training	188	3	1	-	192
C7 Dependent of NATO-1 through NATO-7 Nonimmigrant	37	94	164	-	295
C8 Pending asylum applicant	91,999	197	27	39	92,262

Fiscal Year / Category	0 – 365 Days	366 – 729 Days	730 Days or Greater	No date provided	Grand Total
C9 Pending adjustment of status	221,136	2,997	8,736	529	233,398
C09P EAD/Advance Parole combo card	165,821	3,241	6,332	82	175,476
C10 Suspension of deportation (filed before April 1, 1997); Cancellation of Removal; Cancellation under NACARA	82,795	102	10	55	82,962
C11 Paroled in the public interest	5,693	27,903	869	13	34,478
C12 Spouse of an E-2 CNMI Investor	4	5	-	-	9
C13 Deportation or exclusion proceedings pending	1	-	-	-	1
C14 Deferred Action (non-DACA)	20,205	359	362	9	20,935
C16 Section 249 registry applicant	7	-	-	-	7
C17 B-1 Nonimmigrant	362	11	-	-	373
C171 B-1 personal or domestic servant of a Nonimmigrant employer	321	5	2	-	328
C172 B-1 domestic servant of a U.S. citizen	3	-	-	-	3
C173 B-1 foreign airline employee	26,249	35	5	20	26,309
C18 Final Order of Deportation/Order of Supervision ¹⁰	186	1,404	-	1	1,591

¹⁰ 8 CFR 274a.12(c)(18). An alien against whom a final order of deportation or removal exists and who is released on an order of supervision under the authority contained in section 241(a)(3) of the INA may be granted employment authorization at the discretion of the district director only if the alien cannot be removed because of the refusal of all countries designated by the alien or under section 241 of the INA to receive the alien, or because the removal of the alien is otherwise impracticable or contrary to the public interest. Additional factors that may be considered by the district director in adjudicating the application for employment authorization include, but are not

Fiscal Year / Category	0 – 365 Days	366 – 729 Days	730 Days or Greater	No date provided	Grand Total
C19 TPS applicant	81	-	-	-	81
C20 Pending Legalization (SAW) under INA section 210	25	13	40	-	78
C21 S Nonimmigrant – witness or informant	59	-	-	-	59
C22 Legalization applicant under INA section 245A	22	-	-	-	22
C24 Adjustment applicant under LIFE Act legalization	49	99	596	-	744
C31 VAWA self-petitioner	2,611	6	2	1	2,620
C33 DACA ¹¹	209	73,794	88,830	87	162,920
No category identified	2	-	-	-	2

limited to, the following: (i) the existence of economic necessity to be employed; (ii) the existence of a dependent spouse and/or children in the United States who rely on the alien for support; and (iii) the anticipated length of time before the alien can be removed from the United States.

¹¹ Data on C33 DACA EADs include replacement EADs. USCIS’s quarterly DACA reports exclude replacement EADs.

Fiscal Year / Category	0 – 365 Days	366 – 729 Days	730 Days or Greater	No date provided	Grand Total
2015	901,805	360,250	698,170	3,991	1,964,216
A2 Lawful Temporary Resident	28	1	10	-	39
A3 Refugee	415	168	67,193	83	67,859
A4 Paroled Refugee	15	26	18	17	76
A5 Granted Asylum	6,804	134	34,067	179	41,184
A6 K-1/K-2 Fiancé(e)	192	6	3	-	201
A7 N-8/N-9 Nonimmigrant	14	2	2	-	18
A8 Citizen of Micronesia, Marshall Islands, or Palau	4	1	210	-	215
A9 K-3/K-4 Nonimmigrant	71	28	-	-	99
A10 Granted Withholding of Deportation or Removal	15,849	50	9	2	15,910
A11 Deferred Enforced Departure	68	982	-	-	1,050
A12 Temporary Protected Status	6,366	248,548	24	148	255,086
A13 Granted Voluntary Departure under Family Unity Program	4	2	8	-	14
A14 Granted Family Unity under LIFE Act	1	2	6	-	9
A15 V Nonimmigrant	35	340	891	1	1,267
A16 T-1 Nonimmigrant	23	6	34	-	63
A17 Spouse of E-1 or E-2 Treaty Trader or Investor	911	5,722	635	16	7,284
A18 Spouse of L-1 Intracompany Transferee	3,995	6,412	12,123	63	22,593
A19 U-1 Nonimmigrant	178	46	555	3	782
A20 U-2, U-3, U-4, or U-5 Nonimmigrants	486	757	7,457	7	8,707

Fiscal Year / Category	0 – 365 Days	366 – 729 Days	730 Days or Greater	No date provided	Grand Total
C1 Spouse or Dependent of A-1/A-2 Foreign Government Official	246	431	1,057	-	1,734
C011 Spouse of A-1 Foreign Government Official	9	57	-	1	67
C012 Student Dependent of A-1 Foreign Government Official	1	1	-	-	2
C2 Spouse or Dependent of E-1 Employee of the Coordination Council for North American Affairs	8	3	1	1	13
C031 Student in Optional Practical Training	11	1	-	-	12
C032 Student employed by international organization	31	-	-	1	32
C033 Student seeking employment because of severe economic hardship	891	6	1	5	903
C3A Student seeking pre-completion practical training	3,916	25	1	13	3,955
C3B Student seeking post-completion practical training	130,729	412	51	971	132,163
C3C Student seeking 17-month STEM extension	84	27,798	42	159	28,083
C4 Spouse or Dependent of G-1/G-3/G-4 Foreign Government Official	554	599	1,184	13	2,350
C5 Spouse or Dependent of a J-1 exchange visitor	5,870	1,875	1,306	27	9,078
C6 M-1 student seeking post-completion practical training	190	1	1	2	194
C7 Dependent of NATO-1 through NATO-7 Nonimmigrant	52	94	188	2	336

Fiscal Year / Category	0 – 365 Days	366 – 729 Days	730 Days or Greater	No date provided	Grand Total
C8 Pending asylum applicant	149,038	622	82	590	150,332
C9 Pending adjustment of status	226,681	558	9,636	237	237,112
C09P EAD/Advance Parole combo card	194,690	446	20,759	499	216,394
C10 Suspension of deportation (filed before April 1, 1997); Cancellation of Removal; Cancellation under NACARA	94,507	156	24	46	94,733
C11 Paroled in the public interest	6,608	44,192	1,615	8	52,423
C12 Spouse of an E-2 CNMI investor	7	3			10
C14 Deferred Action (non-DACA)	11,890	590	18,930	121	31,531
C151 Student – Practical Training Only		2			2
C16 Section 249 registry applicant	12	-	-	1	13
C16P EAD/Advance Parole combo card	1	-	-	-	1
C171 B-1 personal or domestic servant of a Nonimmigrant employer	373	3	2	1	379
C172 B-1 domestic servant of a U.S. citizen employee	327	1	1	-	329
C173 B-1 foreign airline employee	3	-	-	-	3
C18 Final Order of Deportation/Order of Supervision ¹²	30,159	69	6	14	30,248

¹² 8 CFR 274a.12(c)(18). An alien against whom a final order of deportation or removal exists and who is released on an order of supervision under the authority contained in section 241(a)(3) of the INA may be granted employment authorization at the discretion of the district director only if the alien cannot be removed because of the

Fiscal Year / Category	0 – 365 Days	366 – 729 Days	730 Days or Greater	No date provided	Grand Total
C19 TPS applicant	421	4,158	12	1	4,592
C20 Pending Legalization (SAW) under INA section 210	50	-	-	-	50
C21 S Nonimmigrant – witness or informant	1	1	41	1	44
C22 Legalization applicant under INA section 245A	33	-	-	-	33
C24 Adjustment applicant under LIFE Act legalization	14	1	-	1	16
C25 T-2/T-3/T-4 family member of T-1 trafficking victim	38	109	460	-	607
C26 H-4 Spouse of an H-1B Nonimmigrant	6,183	9,688	10,870	117	26,858
C31 VAWA self-petitioner	2,432	8	2	2	2,444
C33 DACA ¹³	280	5,107	508,653 ¹⁴	638	514,678
No category identified	6	-	-	-	6

refusal of all countries designated by the alien or under section 241 of the INA to receive the alien, or because the removal of the alien is otherwise impracticable or contrary to the public interest. Additional factors that may be considered by the district director in adjudicating the application for employment authorization include, but are not limited to, the following: (i) the existence of economic necessity to be employed; (ii) the existence of a dependent spouse and/or children in the United States who rely on the alien for support; and (iii) the anticipated length of time before the alien can be removed from the United States.

¹³ Data on C33 DACA EADs includes replacement EADs. USCIS’s quarterly DACA reports exclude replacement EADs.

¹⁴ The FY 2015 C33 DACA number includes the approximately 2,100 DACA recipients who mistakenly were issued 3-year EADs after the February 16, 2015, court injunction in *Texas v. United States*, No. B-14-254 (S.D. Tex.). These EADs were reissued with 2-year validity periods. In addition, another 500 EADs with 3-year validity periods were approved and returned to USCIS as undeliverable by the U.S. Postal Service. These cards were reissued with the proper 2-year validity periods.

IV. Analysis/Discussion

USCIS approved 1,964,216 EADs in FY 2015, the largest number of approvals over the 4-year period. The majority of EADs in FY 2015 were issued in the following three categories: DACA, TPS, and pending adjustment of status. The validity periods ranged from 730 days or more for the DACA approvals, 366–729 days for the TPS approvals, and 1- or 2-year periods (depending on visa availability) for EADs based on a pending adjustment of status application.

EADs granted under DACA had the highest increase between fiscal years, with an increase of nearly 473,000 approvals between FY 2012 and FY 2013, and an increase of approximately 352,000 approvals between FY 2014 and FY 2015. Most of these DACA EADs were granted with validity periods of 366–729 days in FY 2013 and 730 days or more in FY 2015.¹⁵

EADs granted to applicants with pending adjustment of status cases were relatively consistent across the 4-year period and accounted for more than 233,000 approvals each fiscal year. The majority of these EADs were granted for 1-year validity periods.

Item 3 in the legislative requirement requested information on the policies governing the validity period of the EADs. Validity periods may be dependent on the validity period of the underlying basis for eligibility (e.g., TPS) or the estimated amount of time that USCIS anticipates an applicant's underlying benefit request will be pending adjudication (e.g., pending applications for adjustment of status to lawful permanent resident). USCIS may establish different validity periods for employment authorization on the basis of its need to reevaluate work authorization eligibility at regular intervals and to establish that the applicant continues to pose no known security risk to the United States.

¹⁵ An application for a DACA-based EAD is not always approved on the same day that the request for DACA is approved, particularly if the Form I-765 requires additional evidence. EADs receive a validity period beginning on the date of adjudication and ending on the date that the associated period of deferred action ends, which may result in some DACA-based EADs being issued for less than 2 years.

Table 3: Sources of Authority for Established EAD Validity Periods

Classification	Validity Period	Basis for Validity Period
A3 Refugee	2 years; 1 year (renewals)	Policy memorandum
A4 Paroled Refugee	1 year	Policy memorandum
A5 Granted Asylum	2 years; 1 year (renewals)	Policy memorandum
A6 K-1/K-2 Fiancé(e)	Expiration date of K-1 status	Regulation
A7 N-8/N-9 Parent or Child of LPR	1 year	Policy memorandum
A8 Citizen of Micronesia, Marshall Islands, or Palau	5 years	Policy memorandum
A9 K-3/K-4 Nonimmigrant	2 years or to expiration date of K-3 / K-4 status	Regulation
A10 Granted Withholding of Deportation or Removal	1 year or to expiration date of withholding	Regulation
A11 Deferred Enforced Departure	Expiration date of authorized Deferred Enforced Departure program	Regulation
A12 Temporary Protected Status	Expiration date of TPS designation	Federal Register notice
A13 Granted Voluntary Departure under Family Unity Program	Expiration of Family Unity Program date	Policy memorandum
A14 Granted Family Unity under LIFE Act	1 year for pending adjustment of status; 2 years for LPRs	Regulation
A15 V Nonimmigrant	Expiration date of V nonimmigrant status, not to exceed 2 years	Regulation
A16 T-1 Nonimmigrant	Expiration date of T nonimmigrant status	Regulation
A17 Spouse of E-1 or E-2 Treaty Trader or Investor	Expiration date of E-1 status or 2 years	Policy memorandum
A18 Spouse of L-1 Intracompany Transferee	Expiration date of L-1 status or 2 years	Policy memorandum
A19 U-1 Nonimmigrant	Expiration date of U nonimmigrant status	Regulation
A20 U-2, U-3, U-4, or U-5 Nonimmigrants	Expiration date of U Nonimmigrant status	Regulation
C1 Spouse or Dependent of A-1/A-2 Foreign Government Official	Expiration date of A-1 status or 3 years	Regulation

Classification	Validity Period	Basis for Validity Period
C2 Spouse or Dependent of E-1 Employee of the Coordination Council for North American Affairs	Expiration date of E-1 status or 2 years	Policy memorandum
C3A Student seeking pre-completion practical training	Expiration of studies or 1 year	Regulation
C3B Student seeking post-completion practical training	Expiration date recommended by designated school official or 1 year	Regulation
C3C Student seeking 24-month STEM extension	2 years	Regulation
C031 Student in Optional Practical Training	1 year, not to exceed program end date	Policy memorandum
C032 Student employed by international organization	1 year, not to exceed program end date	Policy memorandum
C033 Student seeking employment because of severe economic hardship	1 year, not to exceed recommendation from designated school official or program end date	Regulation
C034 Special student relief	1 year, not to exceed recommendation from designated school official or program end date	Policy memorandum
C4 Spouse or Dependent of G-1/G-3/ G-4 Foreign Government Official	3 years, not to exceed the expiration date of G-1 status	Regulation
C5 Spouse or Dependent of a J-1 exchange visitor	Expiration date of J-1 status or 4 years	Regulation
C6 M-1 student seeking post-completion practical training	6 months	Regulation
C7 Dependent of NATO-1 through NATO-7 Nonimmigrant	3 years, not to exceed the expiration date of NATO-1 status	Regulation
C8 Pending asylum applicant	2 years	Policy memorandum
C9 Pending adjustment of status	1 year if visa available, 2 years if visa regression	Policy memorandum
C10 Suspension of deportation (filed before April 1, 1997); Cancellation of Removal; Cancellation under NACARA	1 year	Policy memorandum
C11 Paroled in the public interest	1 year or expiration date of parole	Policy memorandum
C12 Spouse of an E-2 CNMI Investor		Policy memorandum

Classification	Validity Period	Basis for Validity Period
C14 Deferred Action (non-DACA)	1 year or expiration date of deferred action	Policy memorandum
C16 Section 249 registry applicant	1 year if visa available, 2 years if visa regression	Policy memorandum
C171 B-1 personal or domestic servant of a nonimmigrant employer	1 year or expiration date of B-1 status	Policy memorandum
C172 B-1 domestic servant of a U.S. citizen	1 year or expiration date of B-1 status	Policy memorandum
C173 B-1 foreign airline employee	1 year or expiration date of B-1 status	Policy memorandum
C18 Final Order of Deportation/Order of Supervision	1 year or expiration date of order of supervision	Regulation
C19 TPS applicant	Expiration date of TPS designation	Federal Register notice
C20 Pending Legalization (SAW) under INA section 210	1 year	Policy memorandum
C21 S Nonimmigrant – witness or informant	Based on law enforcement need	Policy memorandum
C22 Legalization applicant under INA section 245A	1 year	Regulation
C24 Adjustment applicant under LIFE Act legalization	1 year	Policy memorandum
C25 T-2, T-3, T-4, T-5, or T-6 Nonimmigrant	Expiration date of T nonimmigrant status	Regulation
C26 H-4 Spouse of an H-1B Nonimmigrant	Up to 3 years or expiration date of H-4 status	Regulation
C27 Abused spouse of A Nonimmigrant	2 years	Policy memorandum
C28 Abused spouse of E-3 Nonimmigrant	2 years	Policy memorandum
C29 Abused spouse of G Nonimmigrant	2 years	Policy memorandum
C30 Abused spouse of H Nonimmigrant	2 years	Policy memorandum
C31 VAWA self-petitioner	1 year	Policy memorandum
C33 DACA	2 years	Policy memorandum

V. Conclusion

USCIS issues employment authorization documents pursuant to statutory and regulatory authority to authorize employment of foreign nationals and to place restrictions and conditions on endorsements evidencing such authorization. The number of EAD approvals has fluctuated from FY 2012–FY 2015, primarily as a result of the timing of DACA and TPS renewals.

Applicants with a pending application for adjustment of status are one of the largest groups of EAD recipients each year and are granted employment authorization for 1- or 2-year periods, depending upon visa availability. USCIS considers various factors when establishing validity periods for EADs, including the validity period of underlying eligibility basis, anticipated adjudication timeframes for pending immigration benefits, and the periodic need to reevaluate individuals' eligibility to work and to ensure that applicants continue to pose no known security risk to the United States.