



## USCIS

### Volunteer Attorney Practice Update

June 2026

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In light of recent drastic policy shift, here are some best practices to help protect your clients with cases before USCIS.

#### USCIS POLICY UPDATES

##### USCIS Policy Alerts – Changes for Asylum, Parole, TPS, and work authorization

- **U.S. District Court in Rhode Island strikes down USCIS “global asylum hold” and other policies as unlawful.** On June 5, the Federal Court in the District of Rhode Island struck down several USCIS policies that had been used to pause or re-review immigration benefits for nationals of **39 countries subject to U.S. travel bans**. These policies, implemented between December 2025 and January 2026, included:
  - A **global asylum hold** on all asylum claims from those countries.
  - A **benefits hold** on pending adjustment of status, employment authorization, and other immigration benefit applications.
  - A **comprehensive re-review** of previously approved benefits for those nationals.
  - A **country-specific factors** policy that weighed nationality as a negative factor in discretionary decisions.
- **DHS extends TPS for Lebanon.** On May 28, DHS posted a Federal Register [notice](#) on the six-month automatic extension of Temporary Protected Status (TPS) for Lebanon, from May 28, 2026, through Nov. 27, 2026. Under the TPS statute, if the secretary of homeland security does not decide whether a country still qualifies for TPS at least 60 days before the country’s TPS designation expires, its TPS designation is automatically extended for six months.
- **DHS Proposes Substantial Changes to AR-11 Form.** On May 7, USCIS issued a proposed change to the Form AR-11. Per the [information collection notice](#) published in the Federal Register, the new AR-11 will require noncitizens subject to registration and change of address reporting requirements to “also report information pertaining to their receipt of

any means-tested public benefits, as well as information related to their employment and schooling.”

- **DHS proposed rule which would change filing and eligibility requirements for Asylum Seekers Requesting Employment Authorization** The proposed changes include pausing acceptance of EAD applications from asylum applicants during periods when affirmative asylum average processing time exceeds 180 days, extending the waiting period to apply for employment authorization to 365 days, changing EAD application processing time requirements, and adding eligibility requirements. If enacted, the processing time for initial (c)(8) EADs would also increase. DHS alleges that this rule is important to “reduce the incentive for Noncitizens to file fraudulent asylum claims so they can obtain work authorizations.” A DHS spokesperson also noted the following: “We are proposing an overhaul of the asylum system to enforce the rules and reduce the backlog we inherited from the prior administration. Noncitizens are not entitled to work while we process their asylum applications. The Trump administration is strengthening the vetting of asylum applicants and restoring integrity to the asylum and work authorization processes.” To adequately prepare and protect clients from DHS’ ongoing attempts to overhaul the asylum system, attorneys are encouraged to assist eligible clients apply for their asylum-based work permits as soon as possible. For more information, please see the Notice of Proposed Rulemaking in the [Federal Register](#). The 60-day public comment period starts following publication of the Notice.

#### USCIS INCREASES SCREENING, VETTING FOR EADS

The maximum validity period for initial and renewal EADs has changed from 5 years back to 18 months for several categories of individuals:

- Noncitizens admitted as refugees;
- Noncitizens granted asylum;
- Noncitizens granted withholding of deportation or removal;
- Noncitizens with pending applications for asylum or withholding of removal;
- Noncitizens with pending applications for adjustment of status under INA 245; and
- Noncitizens with pending applications for suspension of deportation, cancellation of removal, or relief under the Nicaraguan Adjustment and Central American Relief Act.

**ALERT:** The government is proposing major work permit changes for asylum seekers. A proposed new rule would make it impossible for asylum seekers to apply for an initial work permit. The rule would also make some work permit renewals more difficult. **This proposed**

**rule is NOT final.** If clients are eligible for a work permit, apply now! The earliest the rule could be finalized is sometime after April 24, 2026. **If clients are eligible to apply for a work permit, we recommend applying as soon as possible.** Read new rule proposal [here](#).

#### PHOTO REQUIREMENTS FOR AN I-765 APPLICATION

Please remember that photos submitted to USCIS must be unmounted and unretouched. Unretouched means the photos must not be edited or digitally enhanced. The submission of any mounted or retouched images will delay the processing of your application and may prompt USCIS to require that your client appear at an Applicant Support Center to verify their identity.

Further information on the photo requirements can be found at the [Instructions for Form I-765 \(PDF, 387.63 KB\)](#) page.

(USCIS) is issuing new guidance that limits the age of foreign nationals' photos that can be used to create immigration documents to no more than three years. **Effective immediately**, the new guidance in the USCIS Policy Manual **limits the use of photos to those that were taken within three years of the date a person files a USCIS form.** Additionally, self-submitted photos will no longer be accepted. Only photos taken by USCIS or other authorized entities will be used. As of now, it is uncertain what self-submitted photos mean and who the authorized entities are.

#### EMPLOYMENT AUTHORIZATION BASED ON A PENDING FORM I-589 AFTER DISMISSAL OR TERMINATION OF REMOVAL PROCEEDINGS BY EOIR

Under the special instructions tab on the [I-765, Application for Employment Authorization](#) page there is now a table detailing who is eligible for a work permit after a granting of prosecutorial discretion and what evidence is required for initial application or renewal.

#### EXPECTED ARRIVAL TIME FOR APPROVED EAD AFTER SUBMITTING AN APPLICATION WITH USCIS AND WHEN TO SUBMIT INQUIRY

After USCIS approves a Form I-765, your EAD card should be produced within 2 weeks. USCIS will mail your EAD card via U.S. Postal Service (USPS) Priority Mail.

Please ensure you have the correct mailing address on file with USCIS. If your mailing address changes after you file your application, you must [update your address with USCIS](#) and USPS as soon as possible. If you don't update your address promptly, your case could be delayed, your document(s) could get lost, and you may need to reapply and pay the fee again.

The timeframe in which you will receive your EAD card may vary, depending on USPS delivery times. Please allow a total of 30 days from approval before inquiring with USCIS. USCIS encourages you to use [Case Status](#) Online to find your USPS tracking number for EAD card delivery. If you have not received your EAD card within this time frame, please visit [e-Request - Self Service Tools \(uscis.gov\)](#) for instructions on how to submit an inquiry.

#### EMPLOYMENT AUTHORIZATION DOCUMENT VALIDITY PERIOD

U.S. Citizenship and Immigration Services (USCIS) has updated policy guidance in the [USCIS Policy Manual](#) regarding maximum validity periods for Employment Authorization Documents (EADs, Form I-765) issued to refugees and asylees, noncitizens paroled as refugees, noncitizens granted withholding of removal, noncitizens with pending applications for asylum or withholding of removal, noncitizens with pending applications for adjustment of status under INA 245, and noncitizens seeking suspension of deportation or cancellation of removal. USCIS has also clarified that the Arrival/Departure Record (Form I-94) may be used as evidence of both status and employment authorization for certain EAD categories that are employment authorized incident to status or parole.

#### Policy Highlights

- Updated the maximum validity period for initial and renewal EADs from 2 years to 5 years for those admitted as refugees, granted asylum, and granted withholding of deportation or removal.
- Updated the maximum validity period for initial and renewal EADs from 2 years to 5 years for those with pending applications for asylum or withholding of removal and those with pending applications for adjustment of status under INA 245.
- Updated the maximum validity period for initial and renewal EADs from 1 year to 5 years for those with pending applications for suspension of deportation or cancellation of removal.
- Updated the maximum validity period for initial and renewal EADs from 1 year to the end date of the authorized parole period, not to exceed 5 years, for those paroled as refugees.
- Listed the categories of noncitizens with employment authorization incident to status whose Form I-94 is evidence of employment authorization as well as of their immigration status.
- Explained that certain Afghan parolees and certain Ukrainian parolees are employment authorized incident to their parole.

- On Aug. 18, 2025, USCIS changed the filing location for certain applicants filing Form I-765, Application for Employment Authorization. If you are filing Form I-765 in connection with a VAWA, T, or U-visa application or petition, or in connection with a previously filed, pending VAWA, T, or U-based Form I-485, you must file this form at USCIS Lockbox locations, instead of Service Center Operations - Nebraska. USCIS will provide a 30-day grace period for forms mailed to Service Center Operations - Nebraska. Service Center Operations - Nebraska will reject any I-765 filed in connection with a VAWA, T, or U-visa application or petition, or in connection with a previously filed, pending VAWA, T, or U-based Form I-485, postmarked on or after Sept. 18, 2025.
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- **New Interim Final Rule Removes Automatic Extension Period for Certain Employment Authorization Document Renewal applicants**

For more information, please see the [Policy Alert](#).

#### ADDITIONAL UPDATES

**TSA and ICE Collaboration Impacting Air Travel for Non-Citizens** Numerous reports have confirmed that TSA is sharing travelers' information with ICE to support deportation efforts. This means that ICE can access airline passengers' names, flight number, departure time, photograph, and other information and can intervene to detain or deport non-citizens when they show up at airports for planned domestic or international flights. Since Trump took office, ICE arrests at airports have spiked 94 percent.

#### Who is at risk of being detained by ICE at an airport?

- Any traveler with a deportation order or an administrative warrant is at risk -- and even if the traveler is unaware of the deportation order or it is old/outdated;
- Any traveler with a deportation order and a form of immigration relief or discretionary status such as DACA, TPS, U/T visa, or withholding of removal may also be at risk.

#### *Travel Guidance and Considerations:*

- If your client has a deportation order or an administrative warrant, advise them to avoid flying altogether given the increased risks of detention at airports. Individuals who have a final order and a form of immigration relief or discretionary status such as DACA, TPS, U/T visa, or withholding of removal may still be at risk; contact an attorney to obtain individualized advice.

- Advise your client to ensure that 1-2 trusted people have access to their travel itinerary and important documents if they are traveling by flight.

**Biometrics for Detained Individuals** USCIS has clarified through its [recent policy update](#) that individuals held in ICE custody who have applications pending with USCIS will continue to be issued biometrics notices. In-person attendance at biometrics appointments will continue to be mandatory. USCIS may consider those who fail to attend biometrics appointments without informing USCIS or requesting to reschedule to have abandoned their application. Regardless of this, USCIS will **not** allow its staff to travel to detention facilities to collect applicants' biometrics and "there is no current agreement between USCIS and U.S. Immigration and Customs Enforcement (ICE) under which ICE has agreed to collect biometrics from individuals with an immigration benefit pending with USCIS."

This policy puts the onus entirely on detained individuals and/or their attorneys to reach out to USCIS to attempt to reschedule biometrics appointments if they believe they will be unable to attend the appointment due to being detained. Attorneys whose clients are detained should immediately contact USCIS to **request that biometrics appointments be rescheduled.**

#### BEST PRACTICES REGARDING TRUMP 2.0

AHR has received many messages expressing anxiety about this administration's policies which affect immigrants and their families. AHR emphasizes that asylum and other protections from removal are grounded in international human rights instruments and due process rights enshrined in the Constitution and domestic statutes. Here are some reminders to

- **Keep Track of TPS Parole Status Updates.** Keep your clients accurately informed and reduce confusion by consistently checking charts or databases like [this one](#) maintained by AILA, which clearly outlines the statuses of TPS and parole programs.
- **Take action now to protect your clients' work authorization.** During the last Trump administration, we saw significant changes to work authorization. These included eligibility limitations and fee increases, particularly for EADs predicated on pending asylum, pending-or-approved TPS, or an order of supervision.
  - If a client is eligible for work authorization, but hasn't applied yet, we recommend doing so as soon as possible for any qualifying family members, including babies.
  - If you are applying for work authorization and your client would like to receive social security, there may be a delay. If 30 days have passed without getting social security card after receiving work authorization card, please message or email your point of contact at the Advocates For Human Rights.

- If a client currently has a work authorization and is eligible to renew it (i.e., their current card expires w/in 6 months), we recommend applying to renew it (or doing so as soon as eligible). We recommend applying at least 180 days before work permit is expired.
- If your client is an asylum-applicant (affirmative or removal), talk to them about joining ASAP.
  - The Asylum Seekers Advocacy Project (“ASAP”) is a free, membership organization comprised of asylees and asylum-seekers advocating for themselves. During the last Trump administration, ASAP members benefitted from certain injunctions when the administration attempted to erode asylum seekers’ rights (especially regarding work authorization) through regulations. You can learn more about ASAP here:  
<https://www.asylumadvocacy.org/members/>
- USCIS has fully transitioned to **electronic-only payment methods** for immigration filing fees. Paper checks and money orders are no longer accepted for applications or petitions filed by mail. Any submission with a paper check will be **rejected and returned**. Use Form G-1650 to pay via ACH/Debit card or Form G-1450 to pay via Credit Card.