



Fact Sheet

Information for SAVE Users: American Competitiveness in the 21st Century Act

Background

Effective Jan. 17, 2017, the final rule from the Department of Homeland Security (DHS) titled “Retention of EB-1, EB-2, and EB-3 Immigrant Workers and Program Improvements Affecting High-Skilled Nonimmigrant Workers” provides for automatic extensions of the validity periods of certain Employment Authorization Documents (EADs) (Form I-766) for up to 180 days. Automatic extensions apply to individuals who:

- Timely filed to renew their EAD and the application remains pending;
- Are applying to renew an EAD in the same eligibility category as the previous EAD;
 - Note that the Temporary Protected Status (TPS) category codes of A12 and C19 are considered the same eligibility category for purposes of the validity period extension;
- Are in a category that is eligible for the extension, which includes category codes A03, A05, A07, A08, A10, C08, C09, C10, C16, C20, C22, C24, C31, and A12 or C19.
 - Note that some category codes also have a “P.” This does not relate to the category code and you can disregard it.

Verifying the Status of Individuals Whose EAD is Subject to an Automatic Extension

If an agency submits an EAD for SAVE that is subject to an automatic extension, DHS will respond with the new, extended expiration date on initial and additional verification. Individuals with these EADs should have received a Form I-797, Notice of Action, from USCIS demonstrating they have applied to renew their work authorization with the same category code (also sometimes referred to as the “class requested” or “eligibility category”) as the expired EAD. The “Received Date” on Form I-797 should also indicate the application was filed on or before the EAD expiration date. Benefit-granting agencies will determine whether they need to see Form I-797.

Additionally, DHS automatically extends the EAD validity periods of individuals with TPS if new EADs cannot be issued before the expiration of the prior cards. Such individuals will have EADs with the category code A12 or C19. DHS’ extensions of TPS and EAD validity periods are announced in the Federal Register. SAVE also alerts agencies to these TPS announcements.

For additional information about the American Competitiveness in the 21st Century Act regulation changes, see [81 FR 82398](#) (Nov. 18, 2016). SAVE customer agencies seeking additional information on this topic may contact the SAVE Program at SAVE.HELP@dhs.gov.