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August 20, 2020

Employment Authorization Documentation Delays

The U.S. Citizenship and Immigration Service (USCIS) [announced](#) on August 19, 2020, that foreign nationals may present evidence of employment authorization (Form I-797, Notice of Action) approval instead of an actual Employment Authorization Document, also known as an EAD card until December 1, 2020. This announcement is in response to a temporary restraining order and in advance of an August 24 preliminary injunction hearing related to USCIS delays in issuing Employment Authorization Documents to foreign nationals.

The notice must include a notice date on or after December 1, 2019, through and including August 20, 2020, showing approval of the employee's Application for Employment Authorization as a list C document for Form I-9 compliance. Foreign nationals who present a Form I-797 must also present an acceptable List B document that establishes identity. By December 1, 2020, employers must reverify employees who presented this Form I-797 as a List C document. These employees will need to present their employers with new evidence of employment authorization.

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