



December 1, 2025

The Honorable Kristi Noem
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave., SE
Washington, D.C. 20528

Submitted via regulations.gov

Re: Removal of the Automatic Extension of Employment Authorization Documents; USCIS-2025-0271

Dear Secretary Noem:

FMI – The Food Industry Association appreciates the opportunity to comment on the Department of Homeland Security’s (DHS) *Removal of the Automatic Extension of Employment Authorization Documents* (EAD) interim final rule (IFR) (USCIS-2025-0271). While FMI understands that visa processing backlogs need to be reduced, we are concerned that the bluntness of the EAD IFR’s immediate implementation coupled with other recent DHS visa actions will have negative implications on workforce capacity and operations in the food industry. FMI respectfully requests DHS reconsider the IFR and return to a previous 180-day policy of automatic EAD extensions.

As the food industry association, FMI works with and on behalf of the entire industry to advance a safer, healthier, and more efficient consumer food supply chain. FMI brings together a wide range of members across the value chain – from retailers that sell to consumers, to producers that supply food and other products, as well as a variety of companies providing critical services – to amplify the collective work of the industry.

A collective of FMI’s membership manufactures, distributes, and sells the food and consumer goods found in pantries, refrigerators, medicine cabinets, and laundry rooms across the country. Our retail members, which range in size from independent operators to regional and large national and international businesses and brands, operate 45,000 grocery stores and 12,000 supermarket pharmacies. The food industry produces and supplies over 30,000 different food and consumer good products found on store shelves and ultimately touches the lives of more than 100 million U.S. households per week.

The EAD IFR was issued on October 29, 2025, and became effective on October 30, 2025. The IFR immediately halted automatic extensions of EADs as of October 30, 2025, if a renewal had not been filed prior to this date. Under the IFR, any individual who had not filed an EAD extension as of October 30, 2025, will have his or her ability to work revoked immediately upon expiration of his or her current EAD.



Our industry strives every day to build long-term capacity and resilience in the nation's food and consumer goods supply chain. A key to supply chain efficiency and the industry's ability to provide safe, affordable, and accessible food and consumer goods is regulatory certainty and lessening government red tape on businesses. With less than 24 hours' notice of this policy change that reduced a 540-day automatic extension to zero days, businesses and employees had no ability to plan.

FMI respectfully requests that the EAD IFR be reissued to return to a previous policy of an 180-day automatic EAD extension. An 180-day automatic EAD extension could bridge the backlog gap and provide businesses with needed workforce and operational certainty. The EAD IFR and other recent DHS actions pertaining to foreign nationals have led to fewer eligible visa holders available for work in an already tight labor market. The current unpredictable nature and pace of changes to immigration regulations is impacting businesses across the food industry, from manufacturing to distribution to retail stores.

FMI member companies have conveyed that the expiration of EADs with no ability to automatically extend has the potential to significantly disrupt some manufacturing and distribution along the food and consumer supply chains especially if several employees' current EADs expire at the same time and in the same geographic location. FMI retail members have expressed concerns that their operations will be impacted by the loss of consumer-facing employees in stores and frontline employees in food preparation and production facilities.

Without an automatic extension of EADs, employers will have no recourse but to terminate an employee immediately and end an employee's enrollment in benefits which will also severely impact businesses' rehiring and reinstatement process. The loss of these experienced employees will add unanticipated costs to the business to recruit, hire, and train others. In addition to workforce capacity and operational concerns, the volume and scope of immigration law changes have financially burdened businesses beyond what was budgeted and anticipated for regulatory and legal compliance matters.

In conclusion, the food and consumer goods supply chain drives American investment, creates jobs, and fuels small business entrepreneurship. FMI member companies have utilized the ability to legally hire foreign nationals for various roles within their business to fill critical workforce needs that have gone unmet with domestic talent. We respectfully request that the Department return to a previous 180-day automatic EAD extension policy to address workforce and operational concerns businesses are facing because of the EAD IFR.

Sincerely,

A handwritten signature in cursive script that reads "Christine Pollack".

Christine Pollack
Vice President, Government Relations