

USCIS to Accept Employment Authorization Applications from Certain H-4 Dependent Spouses

May 22, 2015



Beginning May 26, 2015, the United States Citizenship and Immigration Services (USCIS) will accept applications for employment authorization from certain H-4 Dependent Spouses. The USCIS will reject any applications received before that date. The Obama Administration added this provision as part of the November 2014 executive actions on immigration in an attempt to modernize, improve, and clarify visa programs to grow the U.S. economy and create jobs. By extending employment eligibility for employment authorization to certain H-4 dependent spouses of H-1B nonimmigrants, the Administration aims to support the goals of attracting and retaining highly skilled foreign workers. Further, enabling H-4 dependent spouses to work should minimize the disruption to U.S. employers that results when H-1B employees choose not to remain in the U.S. and pursue green cards because of long waiting periods or a lack of immigrant visa numbers. U.S. employers use the H-1B program to employ foreign workers in specialty occupations that require a bachelor's degree or higher in a specialty related to the H-1B position. Unfortunately, while the Administration seeks to promote employment in the United States, the expansion of employment authorization eligibility to H-14 dependent spouses is severely limited

to H-4 dependent spouses that meet one of these requirements:

1. the H-1B principal beneficiary has an approved I-140 Immigrant Petition for an alien worker (the first stage of the green card processing); or
2. the H-1B principal has been granted H-1B status beyond the six-year H-1B limit due to backlogs in certain employment-based green card petitions for certain nationalities.

When filing the application for an employment authorization as an H-4 dependent spouse:

1. Use the correct version of the application, dated 8/6/2014 (May 27, 2008 or later acceptable)
2. Do not file before May 26, 2015
3. Submit the form with the correct filing fee of \$380 in the form of a check or money order payable to the U.S. Department of Homeland Security
4. Submit to the correct mailing address—check the direct mailing address on www.uscis.gov.

Do not e-file the application, and note that you cannot work in the United States as an H-4 dependent spouse until you receive the application approval. The employment authorization document card will be issued within 90-120 days from submission and will be valid through the date of the H-4 status or the date on the I-94 arrival record.

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