

ALERTS

Immigration Update: Department of Homeland Security announces action on employment authorization for certain H-4 spouses

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The Department of Homeland Security (DHS) has announced that effective on May 26, 2015, certain H-4 dependent spouses of H-1B nonimmigrants will be eligible for employment authorization. DHS will focus on employment authorization for spouses of H-1B nonimmigrant workers who are seeking employment-based lawful permanent resident (LPR) status.

Specifically, H-4 spouses will be eligible for this new benefit provided their H-1B nonimmigrant worker spouse meets one of the following criteria:

- The H-1B worker is the principal beneficiary of an approved Form I-140, Immigrant Worker Petition; or
- The H-1B worker has been granted H-1B status under sections 106(a) and (b) of the American Competitiveness in the Twenty-first Century Act of 2000 as amended by the 21st Century Department of Justice Appropriations Authorization Act. The Act permits H-1B nonimmigrants seeking lawful permanent residence to work and remain in the United States beyond the six-year limit on their H-1B status.

Eligible H-4 spouses will be required to file Form I-765, Application for Employment Authorization with USCIS and provide the required supporting evidence and fee in order to obtain employment authorization. USCIS will begin accepting applications on May 26, 2015.

Once USCIS approves the Form I-765, the H-4 spouse will receive an Employment Authorization document (EAD). Upon receiving the EAD, the H-4 spouse may begin working in the U.S.

Please contact an MVA team member if you have any questions regarding this new benefit.