

ALERTS

USCIS Agrees to Resume Processing H-4 and L-2 Dependent Applications with a Principal's Concurrently Filed Form I-129

01.2023

In response to a Lawsuit (*Edakunni v. Mayorkas*) filed on behalf of Spouses of H-1B and L-1 Visa Holders, USCIS has reached a settlement agreement which it will implement effective today, January 25, 2023.

Per the agreement, USCIS will return to their practice of bundling the adjudication of Form I-539, Application to Extend/Change Nonimmigrant Status, and Form I-765, Application for Employment Authorization for H-4 and L-2 Derivatives along with the underlying form I-129, Petition for a Nonimmigrant Worker, when those forms are properly and concurrently filed, regardless of whether they are filed under standard or premium processing.

How does this help?

This is positive news for H-4 and L-2 Spouses who in recent years, experienced increasing delays in the adjudication of their Forms I-539, Application to Extend/Change Nonimmigrant Status and Form I-765, Application for Employment Authorization, leaving them in a bind for proper status and work authorization documents.

The implementation of this settlement agreement means that if properly and concurrently filed with the Principal Beneficiary's Form I-129, Petition for Nonimmigrant Worker, these dependents' filings will be processed within the same timeframe it takes to adjudicate the Principal Beneficiary's Petition. This applies to Premium Processing as well as Standard Processing.

Employers and Foreign Nationals should keep in mind, USCIS is still working their way through a backlog of pending dependent cases.

The implementation of this agreement is in addition to previous measures taken in response to a related settlement whereby the USCIS agreed to the following:

- Allow Eligible H-4 Nonimmigrants who timely filed H-4 EAD renewal applications an automatic extension tied to the earliest of either their current I-94 record, the approval or denial of their EAD renewal, or 180 days.
- Provided certain L-2 Nonimmigrants work authorization incident to their Non-Immigrants status, negating the need for an official Employment Authorization Document.

USCIS AGREES TO RESUME PROCESSING H-4 AND L-2 DEPENDENT APPLICATIONS WITH A PRINCIPAL'S CONCURRENTLY FILED FORM I-129

If you believe you, your spouse or your employee could benefit from this settlement agreement, please contact an MVA Immigration Team Member.