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## Spouses of H-1B Nonimmigrants Will Be Eligible for Employment Authorizations Beginning May 26, 2015

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Certain H-4 dependent spouses of H-1B visa holders will soon be eligible to seek authorization to work in the United States. Leon Rodriguez, Director of the U.S. Citizenship and Immigration Services (USCIS), announced that the Department of Homeland Services (DHS) amended its regulations in order to allow H-4 dependent spouses to accept employment in the U.S. The new rule goes into effect in approximately 90 days on May 26, 2015.

### Eligible Individuals

Under the revised DHS regulations, eligible individuals include certain H-4 dependent spouses of H-1B nonimmigrants who:

- are the principal beneficiaries of an approved Form I-140, Immigrant Petition for Alien Worker; or
- have been granted H-1B status beyond six years based on a PERM labor certification or I-140 petition pending for at least 365 days under the American Competitiveness in the Twenty-first Century Act of 2000.

USCIS expects that as many as 179,600 individuals could apply for employment authorization under this new rule in the first year with an estimated 55,000 applying annually thereafter.

### Application Procedure

On or after May 26, 2015, eligible H-4 dependent spouses may file a Form I-765, Application for Employment Authorization. They will also need to provide supporting evidence as well as a \$380 fee. USCIS must approve the application and issue an Employment Authorization Document (EAD), Form I-766, before the individual may begin working in the U.S.

### Reasons for the Change

This H-4 employment eligibility initiative was a part of President Obama's Executive Actions regarding immigration announced last November. DHS states that the change could make it more economically feasible for H-1B nonimmigrants and their families to remain in the U.S. while seeking lawful permanent residence status, helping U.S. businesses keep their highly skilled workers. Another stated reason for the change is to more closely align U.S. immigration policies with the laws of other countries who compete with U.S. businesses for these highly skilled workers.

If you have any questions about this or any other immigration issue, please

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