

Immigration Law Update: Future Employment for Certain H-4 Dependents

By Janet Cheetham, Joel Paget and Marsha Mavunkel

U.S. Citizenship and Immigration Services (USCIS) Director León Rodríguez announced this week that, effective May 26, 2015, [the Department of Homeland Security \(DHS\) is extending eligibility for employment authorization to certain H-4 dependent spouses of H-1B non-immigrants](#) who are seeking employment-based lawful permanent resident (LPR) status. DHS amended the regulations to allow these H-4 dependent spouses to accept employment in the United States.

USCIS hosted a National Stakeholder conference on February 26, 2015 to provide clarification to the new H-4 work authorization rule, and Ryan Swanson attorneys participated on this important call. Director of U.S. Citizenship and Immigration Services, León Rodríguez, stated that H-4 work authorization is the first in a series of steps to modernize and improve our visa system in a manner that furthers the economic interests of the United States.

Eligible individuals include certain H-4 dependent spouses of H-1B non-immigrants who:

- Are the principal beneficiaries of an approved Form I-140, Immigrant Petition for Alien Worker; or
- Have 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 non-immigrants seeking lawful permanent residence to work and remain in the United States beyond the six-year limit on their H-1B status.

USCIS noted in the February 26th call the following clarifications to the rule:

- The application for work authorization can be filed concurrently with an H-4 extension application (I-539).
- The validity period of the Employment Authorization Document will match the validity period on the H-4 status.
- USCIS anticipates a processing timeline of 90 days for issuance of the work authorization document.

We are prepared to assist, please contact us with questions.

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This message has been released by the Immigration Group at Ryan, Swanson & Cleveland, PLLC to advise of recent developments in the law. Because each situation is different, this information is intended for general information purposes only and is not intended to provide legal advice on any specific facts and circumstances. Ryan, Swanson & Cleveland, PLLC is a full-service law firm located in Seattle, Washington.



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