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USCIS to extend eligibility for employment authorization to certain H-4 dependent spouses of H-1B nonimmigrants

H-1B nonimmigrants must be pursuing permanent residence in order for their spouses to be eligible for work authorization

On February 24, 2015, the United States Citizenship and Immigration Services (USCIS) announced that, effective May 26, 2015, certain H-4 dependent spouses of H-1B nonimmigrants who are seeking employment-based lawful permanent resident status will be eligible to obtain employment authorization. This change in the current regulations was an element of President Obama's executive actions that were announced in November 2014.

Eligible individuals include certain H-4 spouses of H-1B nonimmigrants who either: (1) are the principal beneficiaries of an approved Form I-140 Immigrant Petition for Alien Worker or (2) have a Labor Certification that has been filed on their behalf and which has been pending for at least 365 days. Applications for employment authorization must be filed using Form I-765. The dependent spouse will also need to pay a fee of \$380 and provide necessary supporting documentation demonstrating that he or she qualifies. Once the application is approved, the spouse will receive an Employment Authorization Document (EAD) which will allow him or her to work legally in the United States.

Applications can't be filed and won't be accepted prior to May 26, 2015. Additional details will be provided prior to the effective date of the regulation. If you have any questions about this important change in immigration law, please contact Gene T. Schaeffer at 608.284.2655 or gschaeffer@gklaw.com, or Monica Santa Maria at 608.284.2624 or msantamaria@gklaw.com.

To view the USCIS press release, visit: <http://www.uscis.gov/news/dhs-extends-eligibility-employment-authorization-certain-h-4-dependent-spouses-h-1b-nonimmigrants-seeking-employment-based-lawful-permanent-residence>

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