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Immigration Alert: Employment Authorization for Certain H-4 Dependent Spouses

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Effective May 26, 2015, certain H-4 dependent spouses of H-1B nonimmigrants will become eligible for their own employment eligibility.

Eligible individuals include spouses of H-1B nonimmigrants who:

1. Are the principal beneficiaries of an approved Form I-140, Immigrant Petition for Alien Worker; or
2. Have been granted H-1B status beyond the usual 6-year maximum period of stay based on an application for labor certification (PERM application) that has been pending for 365 days or more, or is a beneficiary of a Form I-140 that has been pending for 365 days or more.

Eligible H-4 spouses can obtain work authorization by filing Form I-765, Application for Employment Authorization, with supporting evidence and the required \$380 filing fee. USCIS will begin accepting applications on May 26, 2015. Once USCIS approves the Form I-765 and the H-4 spouse receives an Employment Authorization Document, he or she may begin working in the United States.

If you have any questions or need assistance in obtaining work authorization, please contact your Vorys attorney.