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## PROPOSED RULE TO EXTEND WORK AUTHORIZATION FOR H-4 SPOUSES OF CERTAIN H-1B HOLDERS

On May 6, 2014 the Department of Homeland Security (DHS) [announced the publication](#) of a proposed rule to allow certain H-4 spouses of H-1B visa holders to apply for work authorization while their H-1B spouses proceed through the permanent residence (green card) process. Employment may be authorized for H-4 dependent spouses of principal H-1B visa holders who have begun the process of seeking lawful permanent resident status through employment.

The DHS has provided confirmation as to which stage of the permanent residence process the H-1B spouse must have advanced in order for the dependent H-4 spouse to obtain work authorization. Specifically, the H-4 dependent's H-1B spouse must:

1. Be the beneficiary of an approved I-140 Immigrant Visa Petition; or
2. Have been granted an extension of their authorized nonimmigrant H-1B status under the American Competitiveness in the Twenty-first Century Act of 2000 (AC21) as amended by the 21st Century Department of Justice Appropriations Authorization Act, which allows certain H-1B holders to extend their H-1B status beyond the normal six-year limitation.

The H-4 spouse proposal, while unfortunately limited and is only a proposal, will soon be published in the [federal register](#) and is welcome news for those H-4 spouses who might be eligible for work authorization.

As always, FosterQuan will continue to monitor immigration regulations and procedures and will provide additional information in future Immigration Updates®, and on our firm's [website](#).