DHS Extends Eligibility for Employment Authorization
to Certain H-4 Dependent Spouses

Effective May 26, 2015, certain individuals in H-4 status (as dependent spouses of H-1B holders) will be eligible to apply for an Employment Authorization Document (“EAD”). This new rule will apply only to the spouses of H-1B holders who are in the process of applying for permanent residency in the U.S. In order to qualify, the H-1B holder must:

- Be the principal beneficiary of an approved I-140, Immigrant Petition for Alien Worker; or
- Have been granted H-1B status under INA sections 106(a) and (b) [these provisions authorize H-1B extensions beyond 6 years where an application for labor certification or an I-140 petition has been pending for at least 365 days]

The EAD will authorize employment in the United States for any employer.

TO APPLY: Obtain USCIS Form I-765 Application for Employment Authorization from the USCIS website: [http://www.uscis.gov/](http://www.uscis.gov/) and carefully review the form instructions and/or contact legal counsel for assistance. The completed form must be submitted to USCIS with a filing fee of $380.

[This Alert is for general informational purposes only and is not intended to serve as legal advice or to recommend any legal action. Interested parties are encouraged to seek legal counsel for questions or issues pertaining to this Alert.]