



**USCIS ISSUES GUIDANCE FOR H-4 SPOUSAL WORK
AUTHORIZATION - APPLICATIONS BEGIN TO BE ACCEPTED MAY 26TH**

The Department of Homeland Security (DHS) has implemented a regulatory change that will go into effect May 26th that grants employment authorization benefits to certain H-4 spouses of H-1B nonimmigrants working in the United States. Pursuant to this regulatory change, the U.S. Citizenship & Immigration Services (CIS) has recently published [guidance](#) and [FAQs](#) that outline the filing process and requirements.

Beginning Tuesday May 26th, the CIS will accept applications from qualifying H-4 nonimmigrants for an Employment Authorization Document (EAD). To be eligible, the H-4 nonimmigrant must be the spouse of a principal H-1B nonimmigrant who:

- Is the principal beneficiary of an approved I-140 Immigrant Visa Petition; or
- Has been granted an extension of H-1B nonimmigrant status beyond the normal six-year limitation on H-1B eligibility under sections 106(a) and (b) of the American Competitiveness in the Twenty-first Century Act of 2000 (AC-21).

The CIS has confirmed that EAD applications may be filed concurrently with a request for change of status to H-4 or extension of H-4 status, but the CIS will only adjudicate the EAD application after the H-4 has been adjudicated. This could result in a lead-time of up to six months from the time of filing until the EAD card is issued. H-4 nonimmigrants must receive the EAD card before they will be authorized for employment.

For more information on H-4 eligibility for employment authorization, and to initiate new applications for qualifying applicants, contact your Foster immigration attorney. As always, Foster will continue to monitor eligibility for immigration benefits and will provide additional information in future Immigration Updates© and via our firm's website at www.fosterglobal.com.