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## New White House Proposed Rules Include Work Authorization for Certain H-4 Spouses

The White House announced new proposed rules on May 6, 2014, including a rule to permit employment authorization for spouses of certain H-1B workers.

Under the new rules, spouses of certain H-1B visa holders being sponsored for a green card by their employers to work in the U.S. can apply for their own work authorization. Currently, spouses or other dependents of H-1B visa holders are not eligible for work authorization unless an employer independently files a nonimmigrant petition on their behalf.

Under the proposed rule, eligibility is limited to H-4 dependent spouses of principal H-1B workers who meet one of the following criteria:

- Are the beneficiaries of an approved Form I-140, Immigrant Petition for Alien Worker
- Have been granted an extension of their H-1B stay in the United States under the American Competitiveness in the Twenty-First Century Act of 2000 (AC21). AC21 permits H-1B workers seeking lawful permanent residence to work and remain in the United States beyond the six-year H-1B maximum if they reach certain milestones in the green card process.

According to Alejandro Mayorkas, deputy secretary of Homeland Security, the new rule is intended to "encourage highly skilled, specially trained individuals to remain in the United States" and to "maintain competitiveness with other countries that attract skilled foreign workers and offer employment authorization for spouses of skilled workers."

In addition to these changes for H-4 spouses, the White House also proposed clarifications and updates to the regulations regarding nonimmigrant high-skilled specialty occupation professionals from Chile and Singapore (H-1B1) and from Australia (E-3).

The proposed rules will be published in the Federal Register and subject to a 60-day public comment period, after which they are expected to go into effect.

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