

Congress of the United States
Washington, DC 20515

May 16, 2018

The Honorable Kirstjen Nielsen
Secretary
U.S. Department of Homeland Security
3801 Nebraska Ave., NW
Washington, D.C. 20528

Dear Secretary Nielsen:

We write to urge you to maintain the current regulation granting work authorization to certain H-4 dependent spouses of H-1B nonimmigrant workers.¹ The opportunity for H-4 visa holders to work has made our economy stronger, while providing relief and economic support to thousands of spouses—mostly women—who have resided in the United States for years. Many are on the path to permanent residency, and would already be permanent residents if not for the decades-long employment backlogs.² Rescinding the rule will hurt the competitiveness of U.S. employers and the U.S. economy, as well as H-4 accompanying spouses and their families. We strongly urge you to reconsider this action.

Providing work authorization for accompanying spouses helps U.S. employers recruit and retain highly qualified employees, putting U.S. policy on par with other countries—such as Canada and Australia—competing to attract talented foreign nationals.³ Many accompanying spouses have their own careers or need to work to help support their family.⁴ Often, they too are highly educated and have tremendous potential to contribute to our society and economy. In addition, a second income can help provide for children's basic needs and offer such children—many of them American-born citizens or future U.S. citizens—increased opportunities for success. This additional income also contributes to our economy by raising the families' disposable and taxable income. For these and other reasons, the Department of Homeland Security (DHS) in 2015 began allowing certain H-4 visa holders to obtain work authorization, providing much-needed relief for these individuals,⁵ helping American businesses compete for talent and empowering H-4 spouses to further contribute to our nation, while improving their families' economic well-being.⁶

¹ 8 C.F.R. § 214.2(h)(9)(iv).

² Letter from Tech and Business Groups to L. Francis Cissna, Director, U.S. Citizenship and Immigration Services re: Employment Authorization for Certain H-4 Dependent Spouses (Jan. 17, 2018) available at: <https://www.itic.org/news-events/news-releases/leading-tech-and-business-groups-champion-support-for-h-4-visa>.

³ *Id.*

⁴ American Immigration Council, *The H-4 Visa Classification: Attracting and Maintaining Global Talent* (Mar. 26, 2018) available at: <https://www.americanimmigrationcouncil.org/research/h-4-visa-classification>.

⁵ As of June 2017, nearly 105,000 H-4 visa holders have secured employment authorization under the DHS H-4 rule [U.S. Citizenship and Immigration Services, "EADs by Classification and Basis for Eligibility, Oct. 1, 2012-June 29, 2017," (Feb. 28, 2018)].

⁶ American Immigration Council, *supra* n. 4.

These spouses should be able to continue working. H-1B workers and their families are most successful when their spouses have the ability to contribute to their household income and our economy, and the freedom to use their skills and pursue their goals. It is an American value that everyone—regardless of gender—deserves to be able to use and enhance their skills, be financially self-sufficient, thrive mentally and physically, and pursue their dreams.


Moreover, the majority of H-4 spouses are women, and their inability to work widens an already existing gender inequality gap. For some, the inability to work, pursue one's goals, or contribute to one's family can lead to a loss of self-worth and depression, which greatly impacts the H-1B holders as well as their family members.⁷ In addition, advocates who work with survivors of gender-based violence report that spouses in domestic violence situations face huge challenges leaving abusive situations due to their inability to be financially self-sufficient.

While our immigration system certainly needs reforms—including fixes to the employment and family backlogs that keep H-4 spouses from transitioning to permanent residency—depriving spouses who live in the United States for decades of work authorization is not the way forward. We urge you to maintain the rule allowing certain H-4 spouses work authorization.

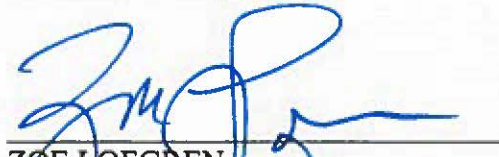
Sincerely,



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Member of Congress

⁷ See, e.g., Vijaita Magendra & Geetika Agarwal, "Quality of Life, Psychological Impairments, and Resilience Among Employment-Restricted Immigrants," *Indian Journal of Health and Wellbeing* (2016); Sushmita Pathak, *The 'Golden Cage' Visa Forces Immigrant Men to be Stay-at-Home Husbands*, *Vice News* (Feb. 5, 2018) available at: https://www.vice.com/en_us/article/xw5zqa/the-golden-cage-visa-forces-immigrant-men-to-be-stay-at-home-husbands.



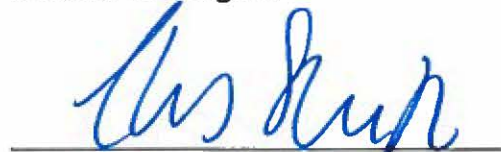
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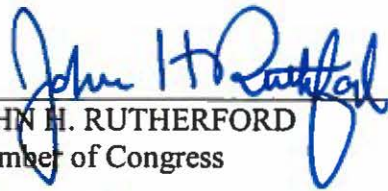
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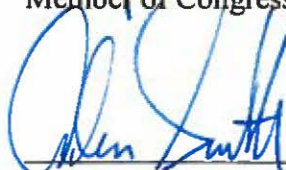
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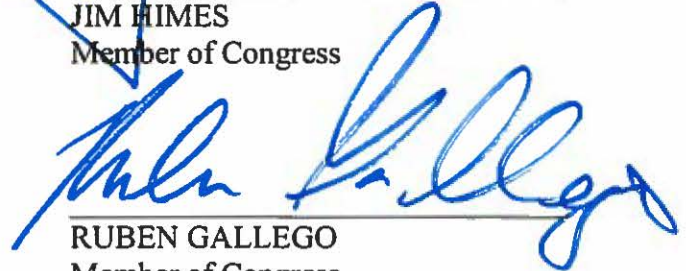
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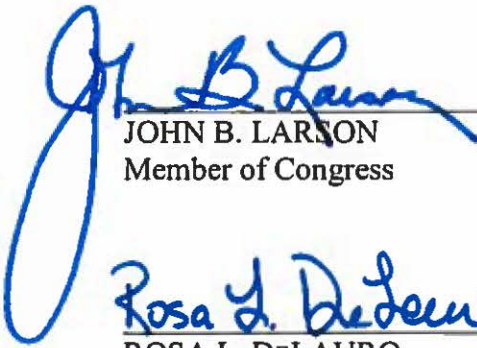
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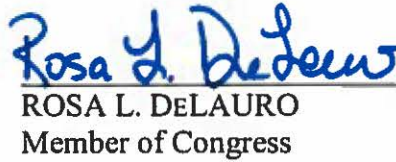
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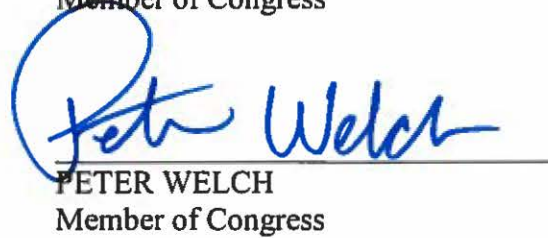
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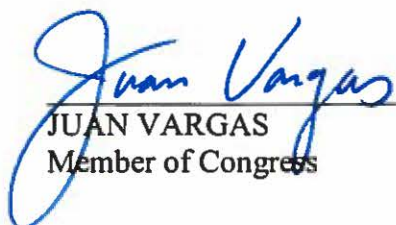
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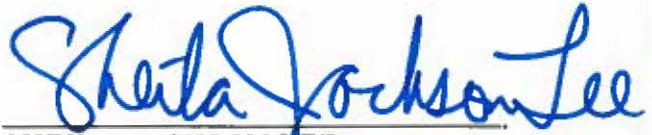
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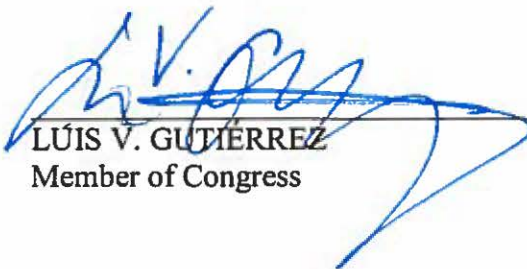
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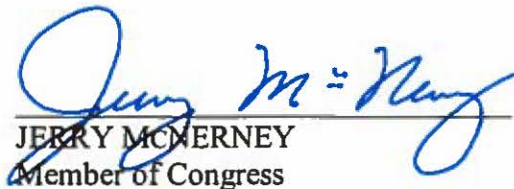
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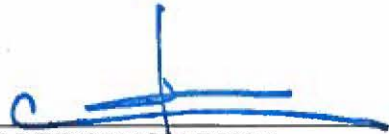
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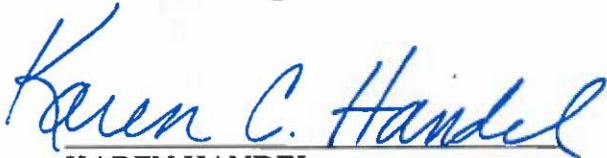
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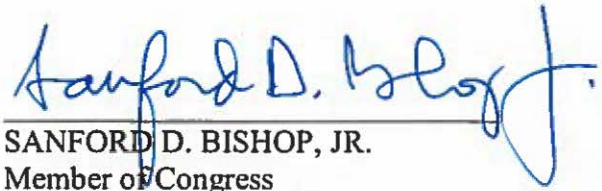
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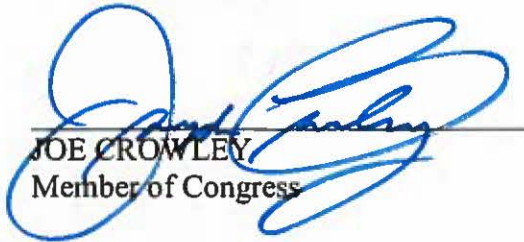
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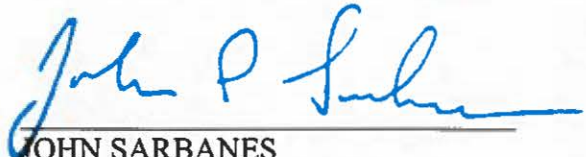
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cc: The Honorable L. Francis Cissna, Director, U.S. Citizenship and Immigration Services