

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

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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,


PRAMILA JAYAPAL
Member of Congress


MIA LOVE
Member of Congress


ZOE LOFGREN
Member of Congress


ILEANA ROS-LEHTINEN
Member of Congress


AMI BERA
Member of Congress

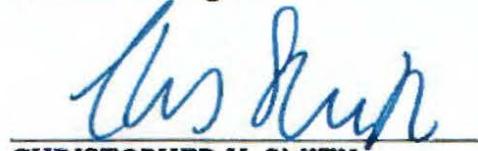

PETER T. KING
Member of Congress

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.


RO KHANNA
Member of Congress


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Member of Congress

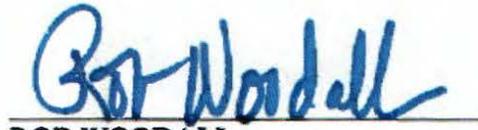

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Member of Congress


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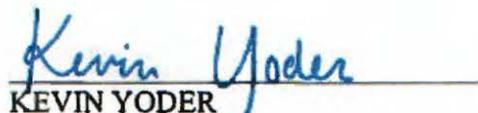

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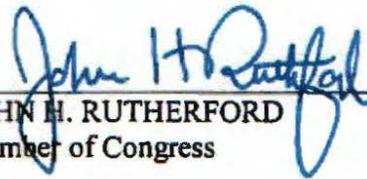

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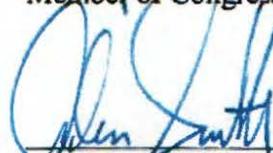
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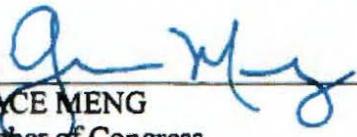
Mike Quigley

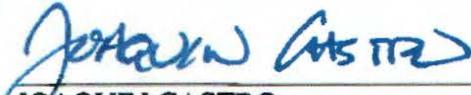
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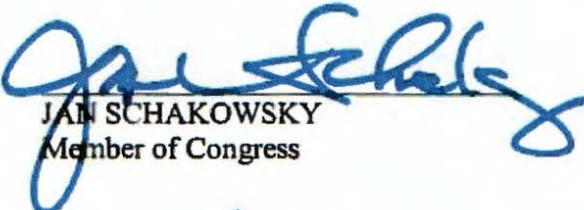
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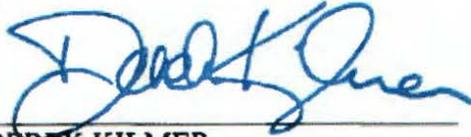

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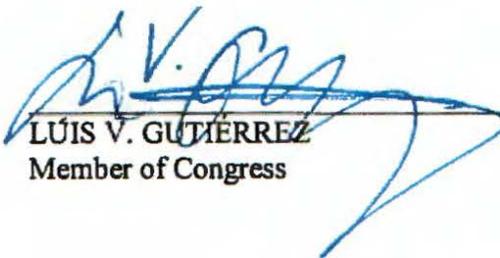
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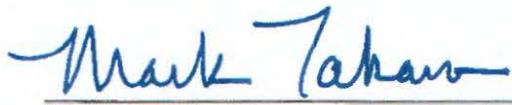

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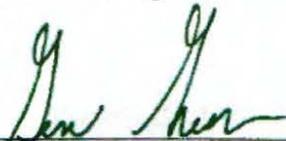
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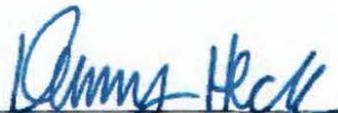
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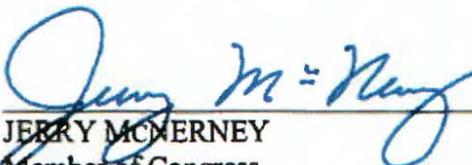
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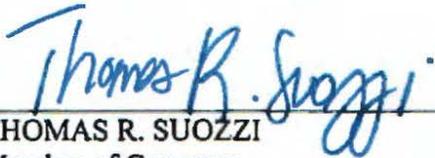
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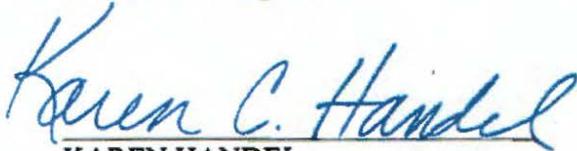
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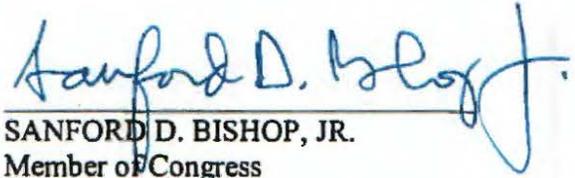
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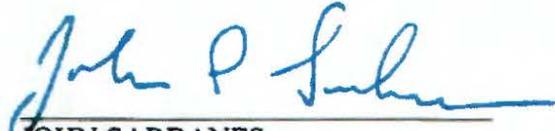
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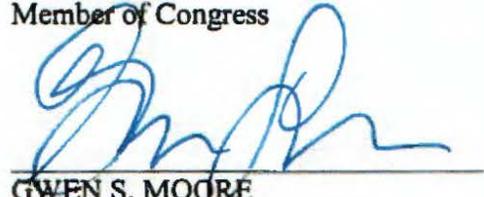
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ANNA G. ESHOO
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LUCILLE ROYBAL-ALLARD
Member of Congress

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



**U.S. Citizenship
and Immigration
Services**

May 24, 2018

The Honorable Pramila Jayapal
U.S. House of Representatives
Washington, DC 20515

Dear Representative Jayapal:

Thank you for your May 16, 2018 letter. Secretary Nielsen asked that I respond on her behalf.

The Department of Homeland Security (DHS) is committed to growing the U.S. economy and creating jobs for U.S. workers. In fact, pursuant to Executive Order (E.O.) 13788, DHS is required to “propose new rules and issue new guidance, to supersede or revise previous rules and guidance if appropriate, to protect the interests of U.S. workers in the administration of our immigration system, including through the prevention of fraud or abuse.” See E.O. 13788, Buy American and Hire American, 82 Fed. Reg. 18,837 (April 18, 2017). The public will be given an opportunity to provide feedback during a notice and comment period on any revisions to regulations that DHS determines appropriate, including revisions relating to the rule providing employment authorization to certain H-4 nonimmigrants.

Thank you again for your letter and interest in this important issue. The co-signers of your letter will receive separate, identical responses. Should you require any additional assistance, please have your staff contact the U.S. Citizenship and Immigration Services Office of Legislative Affairs at (202) 272-1940.

Respectfully,

A handwritten signature in blue ink, appearing to read "L. Francis Cissna".

L. Francis Cissna
Director