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Congress of the United States
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Washington, DC 20515

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SUBCOMMITTEE ON REGULATORY REFORM,
COMMERCIAL AND ANTITRUST LAW

February 16, 2018

The Honorable Kristjen M. Nielsen
Secretary
Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20528

Dear Secretary Nielsen:

I am writing to you on behalf of my constituents in the East Bay, specifically those who currently hold employment authorization documents granted as a consequence of their status as H-4 dependents of H-1B visa holders. As the Department of Homeland Security (DHS) proposed last year to undertake a rulemaking to reverse a 2015 rule allowing certain H-4 dependents to obtain employment of their own in the U.S., I would encourage you to allow current H-4 dependents already in the U.S. to continue to receive work authorizations.

Since 2015, highly-skilled immigrants have traveled to our nation to contribute their skills to our growing economy. Upon arrival, their spouses applied for and received permission to work here as well. Many of these families subsequently purchased homes, entered into lease agreements, or planned other financial transactions with the understanding that their household would maintain two incomes. I am told that, for these families, a rule change terminating previously approved employment authorizations would be financially devastating and have a significant adverse effect on their economic stability. It is also a violation of fundamental fairness to change the terms of one's visa after they have relied on it in making their decision to come to the U.S.

It is thus clear that current H-4 dependents have unique interests and must be recognized as such in any rulemaking on this visa category. I ask that those individuals who have previously been permitted to seek employment in the U.S. as a result of their H-4 status be permitted to retain that employment to maintain the stability of their families and our communities should the existing rule be changed. You may direct any questions to Mallory De Lauro in my Castro Valley, California office at (510) 370-3322 or via email at Mallory.Delauro@mail.house.gov.

I look forward to your response.

Sincerely,


Eric Swalwell
Member of Congress

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

March 13, 2018

The Honorable Eric Swalwell
U.S. House of Representatives
Washington, DC 20515

Dear Representative Swalwell:

Thank you for your February 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. 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 "LFC", followed by a long horizontal flourish.

L. Francis Cissna
Director