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4 Visa Employment Challenge Refused by U.S. Supreme Court



BY ADMIN

The U.S. Supreme Court refused to hear a challenge over employment authorization for qualifying spouses of H-1B visa holders. The eight-year-old lawsuit, filed by a group of technology workers, claims offering

employment authorization for some spouses of H-1B visa holders was created without Congressional approval. As such, the group claims the H-4 visa employment authorization policy is not legal. With the Supreme Court's decision to not hear the case, the 2015 lawsuit comes to a close.

The Obama administration initiated an employment authorization process for H-4 visa holders who are spouses of H-1B visa holders with pending green card applications. Under that policy, dependent spouses of H-1B visa holders can apply for employment-based lawful permanent residency in order to find U.S. employment for themselves.

The group filing the lawsuit claims lost job opportunities due to the regulation. They state Congress did not include H-4 visa holders for employment authorization, as required by the Immigration and Nationality Act (INA).

In March of 2023, a Federal judge agreed with the Department of Homeland Security (DHS) who stated the rule didn't affect any new additions to the workforce. The policy only opened the opportunity a bit earlier. Further, the judge noted that the dependent spouses of H-1B holders who qualify for employment authorization make up less than 0.12% of the U.S. workforce. As such, the impact is minimal.

The judge also noted that Congress gave DHS the authority to set conditions and timeframes for visa holders' U.S. stay, including possible options for accompanying spouses. Some spouses of other visa types have similar employment authorization benefits as well.

If you have questions about **employment authorization** or any other immigration-related issue, **contact us at ILBSG**. We work with our clients in their specific situations to ensure they get the right advice to maximize their odds of a successful outcome.

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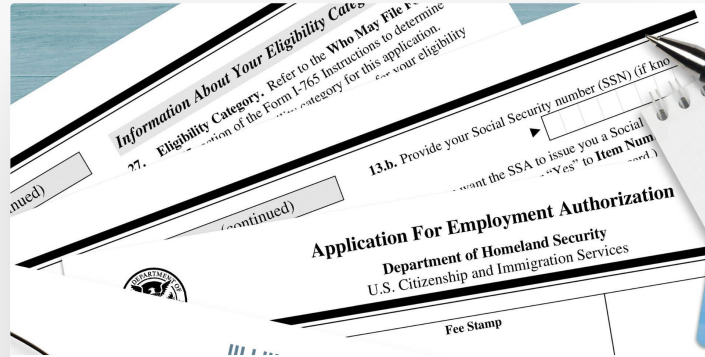
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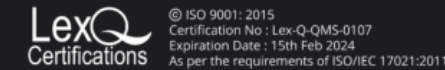
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