



## Employment Authorization Specific H-4 Dependent Spouses

### Who can apply for work authorization?

Effective May 26, 2015, certain H-4 dependent spouses of H-1B nonimmigrants can apply for work authorization if:

1. Has approved I-140
2. Has been granted H-1B status under sections 106(a) and (b) of the American Competitiveness (AC) 21

### How to apply?

1. Complete Form I-765 using the instructions for Form I-765.  
Go here <http://www.uscis.gov/sites/default/files/files/form/i-765.pdf>
2. Include filing fee: \$380
3. Submit supporting evidence, such as

<b>H-4 Status</b>	<p>A. Copy of most recent Form I-797, notice of action, for Form I-539, application to extend/change nonimmigrant status or</p> <p>B. copy of Form I-94, arrival/departure record, showing your admission or extension of stay as an H-4 nonimmigrant</p>
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<b>Gov't-Issued Identification Document with Photo</b>	<p>C. Copy of your last EAD, if applicable</p> <p>D. Copy of the biometric page of your passport</p> <p>E. Birth certificate with photo ID</p> <p>F. Visa issued by a foreign consulate; or</p> <p>G. National identity document with photo</p>
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<b>Your Relationship To the Nonimmigrant</b>	<p>H. Marriage certificate</p>
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<b>Basis for Eligibility</b>	<ul style="list-style-type: none"> <li>• Evidence that H-1B holder is the principal beneficiary of an approved I-140 or</li> <li>• evidence that the H-1B nonimmigrant has received an extension of stay under AC21 sections 106(a) and (b)</li> </ul>
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**You may show this by submitting:**

1. A copy of the H-1B nonimmigrant’s passports, prior Forms I-94 (arrival/departure record), and current and prior Forms I-797 for Form I-129, petition for a nonimmigrant worker; and
2. Evidence to establish one of the following bases for the H-1B nonimmigrant’s extension of stay

**If based on filing of a permanent labor certification application.**

Submit evidence that the H-1B nonimmigrant is the beneficiary of a permanent labor certification application that was filed at least 265 days prior to the expiration of the six-year limitation of stay. You may show this by submitting a copy of a print out from the Department of Labor’s (DOL’s) website or other correspondence from DOL showing the status of the H-1B nonimmigrant’s permanent labor certification application. If DOL certified the permanent labor certification, also submit a copy of Form I-797 notice of receipt for Form I-140 establishing that the Form I-140 was filed within 180 days of DOL certifying the permanent labor certification;

**If based on a pending Form I-140**

If the preference category sought for the H-1B nonimmigrant does not require a permanent labor certification application with DOL, submit evidence that the H-1B nonimmigrant’s Form I-140 was filed at least 365 days prior to the expiration of the six-year limitation of stay and remains pending. You may show this by submitting a copy of the Form I-797 notice of receipt for Form I-140.

<b>Photos for Card Production</b>	Two photos: Identical two-by-two-inch passport-style color
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<b>Translations</b>	Translations: Everything must be translated into English
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<b>Form Filing Tips</b>	<a href="#">Form Filing Tips</a>
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## Where to file:

1. **(E-file):** [E-file Link](#)
2. **Mail paper application:** <http://www.uscis.gov/i-765-addresses>

File with the **USCIS Dallas Lockbox Facility** if the receipt number of your H-1B principal spouse's most recent Form I-797 Notice of Approval for Form I-129 begins with **EAC** or **LIN**

File with the **USCIS Phoenix Lockbox Facility** if the receipt number of your H-1B principal spouse's most recent Form I-797 Notice of Approval for Form I-129 begins with **SRC** or **WAC**

**Processing time:** 90 days or so

Code: (C) (26)