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Employment Authorization for H-4 Dependent Spouses Remains Available Under Biden

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On January 25th, President Biden withdrew a proposal that would have rescinded employment authorization for certain H-4 dependent spouses of H-1B nonimmigrants. The proposed rule, 'Removing H-4 Dependent Spouses from the Class of Aliens Eligible for Employment Authorization' was initiated by the former Trump administration and was being reviewed by the Office of Management and Budget (OMB) and the Office of Information and Regulatory Affairs (OIRA). President Biden's withdrawal of the proposal leaves intact the 2015 regulation that allows certain H-4 dependent spouses of H-1B nonimmigrants going through the Green Card process to apply for employment authorization to work while in the U.S. Employers use the H-1B program to employ foreign workers in specialty occupations that require a bachelor's or higher degree in a specific field of study that is directly related to the H-1B position.

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