

## INSTRUCTIONS FOR EMPLOYMENT AUTHORIZATION APPLICATION BY ELIGIBLE SPOUSES IN H-4 NONIMMIGRANT STATUS\*

Beginning May 26, 2015, certain H-4 dependent spouses of persons in H-1B status seeking employment-based lawful permanent residence will be eligible to apply for employment authorization. In order to qualify, the H-1B worker must:

- Be the principal beneficiary of an approved Form I-140, Immigrant Petition for Alien Worker. This petition must be on record with the United States Citizenship and Immigration Services (“USCIS”) and must not be revoked or withdrawn by a previous employer; or
- Have been granted H-1B status under sections 106(a) and (b) of the American Competitiveness in the Twenty-First Century Act of 2000, as amended by the 21st Century Department of Justice Appropriations Authorization Act. This Act permits H-1B nonimmigrants seeking lawful permanent residence to work and remain in the United States beyond the six-year limit on their H-1B status.

The dependent spouse must hold H-4 status and apply for an Employment Authorization Document (EAD) on Form I-765. The spouse may not begin working until this application is approved and the EAD is received in the mail, which can often take more than 3 - 6 months. **Note: The EAD will be granted for a period equal to the validity period of the H-1B worker’s authorized period of stay.**

Following receipt of the EAD card, the H-4 dependent spouse may apply for a Social Security Number using Form SS-5 at a local Social Security Administration (SSA) office, with his or her EAD card.

Please refer to the following instructions to assist you in preparing and submitting your EAD application. Although we make every effort to ensure this information is correct and up-to-date, due to frequently changing USCIS procedures, we encourage you to refer to the USCIS website (<http://www.uscis.gov/portal/site/uscis>) for the latest information.

### APPLICATION FORM

The most recent edition of Form I-765, Application for Employment Authorization can be downloaded online from the USCIS at: <https://www.uscis.gov/i-765>. The application form must bear the applicant’s original signature. The questions on the application form are straightforward. **Note: For Question 16, you will need to indicate “(c)(26)” for eligible H-4 spouses.**

The complete instructions for the EAD application can be found online at: <https://www.uscis.gov/sites/default/files/document/forms/i-765instr.pdf>.

### FILING FEE

A check in the amount of \$410 payable to the “U.S. Department of Homeland Security” should be included with the filing, with the applicant’s name included on the memo line of the check. We recommend filing with a personal check, as the back of the cancelled check will have

the USCIS' receipt number printed on it. If a receipt notice is not received from the USCIS, the cancelled check can be used to track the application. Because filing fees change often, we recommend reviewing the USCIS' website for the latest information.

### PHOTOGRAPHS

You must submit two (2) identical color photographs taken within six (6) months with your application. The photos must be passport-style and 2"x2" in size. More information on USCIS photo specifications can be found at <http://travel.state.gov/content/passports/english/passports/photos/photos.html>.

### SUPPORTING DOCUMENTS

You will also need to include the following documents with your standalone EAD application filing:

- Copy of your passport identification page;
- Copy of your I-94 admission showing that you currently hold H-4 status. The I-94 record may be obtained online at <https://i94.cbp.dhs.gov/i94/> or on Form I-797;
- Copy of your spouse's passport identification page;
- Copy of your spouse's I-94 admission record, showing that s/he currently holds H-1B status. The I-94 record may be obtained online at <https://i94.cbp.dhs.gov/i94/> or on Form I-797;
- Copies of all of your spouse's H-1B approval notices issued by the USCIS;
- If applicable, copy of your spouse's H-1B receipt notice (if the extension petition is pending);
- If applicable, copy of your spouse's I-140 approval notice;
- If applicable, copy of your spouse's H-1B visa stamp;
- Copy of your marriage certificate, with certified English translation; and
- Copy of the front and back of your last EAD card(s) (if you are filing for a renewal).

### WHERE TO FILE

We strongly recommend you file your application by FedEx or other reputable courier with a means to track delivery of the package.

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 **WAC** or **SRC**.

#### U.S. Postal Service (USPS):

USCIS  
Attn: H4  
P.O. Box 20400  
Phoenix, AZ 85036-0400

#### Express mail and courier deliveries:

USCIS  
Attn: H4 (Box 20400)  
1820 E. Skyharbor Circle S  
Suite 100  
Phoenix, AZ 85034-4850

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**.

**U.S. Postal Service (USPS):**

USCIS  
Attn: H4  
P.O. Box 660921  
Dallas,  
TX 75266-0921

**For Express Mail and courier deliveries:**

USCIS  
Attn: H4 (Box 660921)  
2501 S. State Hwy. 121 Business  
Suite 400  
Lewisville, TX 75067-8003

Because filing locations can change, please check back with the USCIS website prior to filing for updated instructions: <http://www.uscis.gov/i-765-addresses>. Please contact our office should you need further assistance in preparing and submitting the application.