



## **Proposal to revoke H-4 work authorizations takes direct hit at working women's rights**

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Even at this particular moment with the increased mobilization of women's rights, the Department of Homeland Security (DHS) plans to imperil the working life of thousands of highly skilled working women with a proposal to revoke the employment authorizations (EAD) of H-4 visas.

H-4 visas are issued to spouses and unmarried non-adult children of H-1B temporary workers in order to live as a family unit in the United States. Since 2015, a subset of H-4 visa holders are allowed to work with an EAD — those whose spouses are on H-1B status and in the process of obtaining a green card. That privilege, however, might soon be disappearing.

On February 20, 2019, DHS sent the H-4 EAD removal rule to the Office of Management and Budget (OMB) for review. The removal rule was "in light of" President Donald Trump's Buy American and Hire American Executive Order.

The revocation of the work permit for spouses would disproportionately target women. According to a Migration Policy Institute study, 94 percent of all H-4 visa holders with EAD are women, and 93 percent are from India.

Over 125,000 employment authorizations were given to H-4 visa holders as of December 2017.

If the right to work is stripped, these women will lose their jobs, lose their independence and lose their agency.

In a letter to Kirstjen Nielsen, secretary of the DHS, and L. Francis Cissna, director of USCIS, on September 26, 2018, Senator Kamala Harris argued that the revocation of the EAD rule would result in women being forced to abandon their careers, leading to a widening of the gender equality gap and "reinforcing the harmful stereotype that women do not belong in the workplace."

Vandana Kumar, the publisher of India Currents, a bay area Indian American publication, has received many letters from readers on the issue over the years and finds the latest proposal troubling.

Quoting a survey conducted by SaveH4EAD on H-4 EADs in California, Kumar said that 60 percent of those surveyed had professional degrees and "43 percent bought homes after receiving EADs and 49 percent have individual incomes over \$75,000. Revoking the H-4 EAD puts mortgages at risk."

The emotional pressure on qualified women who are not able to work and lead fulfilling lives will be costly, warned Kumar, with “increased levels of depression, loneliness, loss of self-esteem and self-worth that take a toll on the affected families.”

In a letter to India Currents an H-1B worker related his wife’s story. She came to the US to pursue a masters in biomedical engineering at the University of Texas at Arlington. She applied for the H-1B lottery but was rejected. Luckily, with the H-4 EAD rule, she found a job and began to work. “By repealing the H-4 EAD there will be many spouses, most of them women, who will have to sit idle whereas they could contribute to the American economy by using their advanced degrees,” he wrote.

Women working with H-4 visas are stimulating the economy directly and indirectly. Money saved is money earned is money spent, whether through taxes on salaries and profits made or as direct consumers.

Preventing qualified women from working will relegate them to playing a “life in limbo” role, forcing families to re-evaluate their relationships to work, opportunity and geography.

Richard Burke, CEO of Envoy Global, a company that helps clients navigate the immigration process mentioned that 72 percent of H-1B visa holders were above the age of 30 and a “meaningful percentage are married.” He said that this rollback will significantly affect those on H-1Bs as well as those on H-4 visas. “We do know that elimination of H-4 EADs would be injurious to employers,” he said. Employers will have a harder time attracting and retaining the best and brightest talent, especially in San Francisco, which has the second-highest number of H-1B filings in the nation.

Back in 2015, prior to the enactment of the H-4 EAD rule, the required notice in the Federal Register listed three benefits to the then new H-4 EAD rule: Attracting and retaining highly skilled workers, reducing financial burdens on H-1B and H-4 nonimmigrants, and reducing disruption to U.S. businesses.

Nothing’s changed since then, except that the penalty for losing the opportunity to work for women is even more significant today.

The wait times for Indian workers on H-1Bs to acquire a green card is between 12 to 151 years by Cato Institute’s analysis, a wholly disquieting data point, especially for women waiting at home for the chance to become employable.

The effects of having choices taken away are multiplicative. What happens to women, does not stay only with women. As Senator Harris wrote, children, particularly young girls, benefit from seeing their mothers pursue and thrive in their chosen careers. Successful women can engender confidence in their children, leading to healthy perceptions around the roles of women in society.

Spousal immigration laws are rooted in pre-World War conceptions of wives as non-wage-earners and the federal administration promotes these patriarchal viewpoints by proposing to rescind the H-4 EAD rule.

At a time when the economy is doing well, the national unemployment rate is at four percent, and the demand for skilled tech workers is rising, the proposal to strip jobs from bright, skilled women workers, who support and enable other bright, skilled workers could be catastrophic.

Admittedly many immigration policies in place today need reform. However, it's deeply disturbing that the so-called reforms are directly taking aim at the rights of women.