

## Biden admin scraps Trump-era rule ending work permit for some H-1B spouses

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The Joe Biden administration has withdrawn a Trump-era rule rescinding work authorisation for spouses of some H-1B visa holders, a large number of whom are from India.

The reversal comes as a huge relief for a community that had lived with mounting uncertainty as former President Donald Trump's administration had sought to take away work their work authorisation purportedly as part of a larger effort to protect American jobs for Americans.

“Withdrawn,” said a government regulatory posting from the Office of Management and Budget on Monday, for the order, “Employment Authorization for Certain Classes of Aliens With Final Orders of Removal.”

Certain H-4 visa holders, spouses of H-1B visa holders with approved applications for green cards, were granted authorisation to work by president Barack Obama in 2015, primarily to help families cope with prolonged waiting time for applicants from India (because of an annual country-cap on green cards). It's called H-4 Employment Authorization Document (H-4EAD). “Nearly 90% of H-4 workers are highly paid women from India with college degrees,” Cato Institute, a US think tank, said in a 2020 report.

“It's significant—though not unexpected—that the Biden administration wants to continue the Obama-era policy of allowing spouses of H-1B workers to apply for work permits,” said Doug Rand, who worked on immigration policy in the Obama White House and is now the co-founder of Boundless Immigration, a technology company that helps immigrants obtain green cards and citizenship.

“The 2015 Obama-era regulation, which the Trump administration opposed but failed to rescind, applies to H-4 visa holders who are spouses (not children) of H-1B visa holders with an approved green card petition.”

Trump had wanted to rescind the order as part of his larger plan to reform the legal immigration system to ensure Americans had the first shot at American jobs and not foreigners, under his overarching “Buy American, Hire American” policy. His administration had joint a lawsuit challenging the Obama-era rule and later issued a rule rescinding it.

The former president and other immigration hawks in his administration targeted the H-1B visa programme, for instance, alleging that it had been used by American companies to outsource American jobs to foreigners on lower wages.

Indians have been the largest recipients of H-1B visas, accounting for more than 70% of the annual 85,000. And the former administration had rescinded work authorisation for H-4 visa

holders, arguing they were taking away American jobs from Americans, despite bipartisan pushback from US Congress.

“We commend the Biden-Harris Administration for taking immediate action to turn the page from the Trump-Pence Administration’s disastrous immigration policies, and to do right by more than 100,000 hardworking immigrants who are contributing to the United States every single day in the midst of a deadly pandemic,” said Todd Schulte, president of FWD.usa, a group founded by Facebook to “help fix our country’s harmful immigration system”.