



Lawsuit Gives H-1B, L-1 Visa Holders' Spouses Automatic Extensions

Nick Kolakowski

November 16th, 2021

Spouses of H-1B and L-1 visa holders will be granted an automatic extension on their work authorizations. That's the result of a new settlement for a class-action lawsuit filed in federal court in September.

That lawsuit, filed with the U.S. District Court for the Western District of Washington by the American Immigration Lawyers Association (AILA), argued that U.S. Citizenship and Immigration Services (USCIS) had unlawfully delayed the processing of those spouses' visa applications. Under the terms of the settlement, spouses with an L-2 will have automatic work authorization, while spouses with an H-4 will receive automatic work-permit extensions.

According to *The Wall Street Journal*, these policy changes will impact “tens of thousands of immigrants” by removing their applications from the massive USCIS backlog.

Since its beginning, the Biden administration has pushed for legislation that would give work privileges to the spouses and dependents of H-1B visa workers. For example, the U.S. Citizenship Act of 2021, which aims to reform the entire immigration system, features language that would provide “dependents of H-1B visa holders [with] work authorization” (according to the legislation's fact sheet).

The Biden administration's position is a wholesale reversal of visa-spouse policy under Trump. The Trump administration spent years trying to kill the H-4 EAD, which allows spouses (but not other dependents) of H-1B workers to find jobs of their own. That push led to some brutal court fights.

Critics argue that programs such as the H-4 take jobs away from American citizens. Advocates suggest that those with H-4 visas, by being allowed to work, contribute to the American economy; last year, the Cato Institute argued that the “employment authorization has also allowed workers to launch businesses that employ tens of thousands of Americans.”

H-1B critics and advocates alike are wondering whether Biden will take other, bigger steps to revamp the H-1B itself. The administration's first regulatory agenda, published over the summer, hinted at an intention to "modernize" H-1B requirements. But aside from a fee increase, it's still an open question about what form that "modernization" will take.