



Office of International Education, Immigration Services  
 1324 South Lumpkin St., Athens, GA 30602  
 immigration@uga.edu  
 (706) 542-2900 fax: (706) 583-0123

## H-4 Dependent Spouses - Employment Authorization Information

### Eligibility: Who can apply for work authorization

In general H-4 spouses cannot apply for work authorization in the U.S. Effective May 26, 2015, however, H-4 dependent spouses of H-1B nonimmigrants who are in the permanent residency process can apply for work authorization if the following conditions apply:

1. The H-1B spouse has approved I-140 employer petition
- OR
2. The H-1B spouse has been granted H-1B status under sections 106(a) and (b) of the American Competitiveness in the 21<sup>st</sup> Century Act (AC 21). This H-1B status is allowed if the H-1B is in a backlogged category and is waiting for a current priority date in order to file the I-485 – Application to Adjust Status.

### Process: How to apply

1. Complete Form I-765 using the instructions for Form I-765.  
 Form: <http://www.uscis.gov/sites/default/files/files/form/i-765.pdf>  
 Instructions: <http://www.uscis.gov/sites/default/files/files/form/i-765instr.pdf>  
 Use code (c)26 in Question 17
2. Include filing fee: \$380
3. Submit supporting evidence, as outlined in the instructions:

<b>H-4 Status</b>	A. Copy of most recent H-4 approval notice, or B. copy of Form I-94, arrival/departure record, showing your admission or extension of stay as an H-4 nonimmigrant. You can print out your I-94 form from: <a href="http://www.cbp.gov/i94">http://www.cbp.gov/i94</a>
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<b>Gov't-Issued Identification Document with Photo</b>	C. Copy of your last employment authorization card, if you have had one before D. Copy of the photo ID page of your passport E. Birth certificate with photo ID F. Visa issued by a foreign consulate; <b>OR</b> G. National identity document with photo
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<b>Your Relationship To the Nonimmigrant</b>	H. Marriage certificate, with a translation to English
<b>Basis for Eligibility</b>	<ul style="list-style-type: none"> <li>• Copies of the H-1B spouse’s passport ID page and current and prior I-94 cards or information sheets</li> <li>• A copy of the H-1B spouse’s current and prior H-1B approval notices and a copy of the H-1B spouse’s I-140 approval notice</li> </ul> <p style="text-align: center;"><b>OR</b></p> <ul style="list-style-type: none"> <li>• evidence that the H-1B nonimmigrant has received an H-1B approval under AC21 sections 106(a) and (b) (that is, that they are in a backlogged category of filing) <ul style="list-style-type: none"> <li>• If your labor certification has been pending for more than 365 days, submit a copy of it along with a print out from the DOL website confirming it is still pending</li> <li>• If your I-140 petition has been pending for more than 365 days, submit a copy of the receipt notice.</li> <li>• If you have an approved I-140 petition, a copy of the I-140 approval</li> </ul> </li> </ul>
<b>Photos for Card Production</b>	Two photos: Identical two-by-two-inch passport-style color
<b>Translations</b>	Translations: Everything must be translated into English
<b>Form Filing Tips</b>	<a href="http://www.uscis.gov/working-united-states/temporary-workers/employment-authorization-certain-h-4-dependent-spouses#Form Filing Tips">http://www.uscis.gov/working-united-states/temporary-workers/employment-authorization-certain-h-4-dependent-spouses#Form Filing Tips</a>

### Filing: Where to file

You may e-file your case, but we do not recommend this, as you will be required to go to Atlanta for fingerprinting. If you file a paper application by mail, you will not need to have any fingerprints taken.

Mailing address: click on this link, and scroll down to section (c) 26 to find the correct address.  
<http://www.uscis.gov/i-765-addresses>

If your H-1B was filed by UGA, you will file your H-4 work application at the USCIS Phoenix Lockbox Facility.