**H4 Dependent Employment Authorization Request**

Certain H-4 dependents may apply to the U.S. Citizenship and Immigration Services (USCIS) for permission to accept employment. This applies to H-4 spouses whose H-1B principal has held H-1B status for more than 6 years, based on an approved I-140 and a priority date that is not current — and therefore, the H-1B is not yet able to apply for a green card.

The application should include:

- **Form I-765, Application for Employment Authorization**, with attached check or money order written out to: Department of Homeland Security, in the amount of: $380.00

**REQUIRED DOCUMENTS:**

- Your H-4 approval notice and or your I-94 arrival/departure record;
- Evidence of your relationship to the H-1B holder (such as a copy of your marriage certificate);
- Evidence of your spouse’s H-1B nonimmigrant status, such as:
  - A copy of the H-1B approval notice (form I-797) and his or her three most recent pay stubs;
  - A copy of your H-1B spouse’s Form I-94, Arrival-Departure Record;
  - Identification pages of your H-1B spouse’s passport visa pages and admission stamps;
- Two identical color photos of yourself taken within the last 30 days of the filing of your application. Directions for photographs can be found on the USCIS website.

**BASIS FOR FILING:**

Evidence that the H-1B nonimmigrant has received an extension of stay under AC21 sections 106(a) and (b).

- You may show this by submitting:
  1. A copy of the H-1B nonimmigrant’s passports, prior Forms I-94 (Arrival/Departure Record), and current and prior Forms I-797 for Form I-129, Petition for a Nonimmigrant Worker; and
  2. Evidence to establish one of the following bases for the H-1B nonimmigrant’s extension of stay:

- **Based on Filing of a Permanent Labor Certification Application.** Submit evidence that the H-1B nonimmigrant is the beneficiary of a Permanent Labor Certification Application that was filed at least 365 days prior to the expiration of the six-year limitation of stay. You may show this by submitting a copy of a print out from the Department of Labor’s (DOL’s) website or other correspondence from DOL showing the status of the H-1B nonimmigrant’s Permanent Labor Certification Application. If DOL certified the Permanent Labor Certification, also submit a copy of Form I-797 Notice of Receipt for Form I-140 establishing that the Form I-140 was filed within 180 days of DOL certifying the Permanent Labor Certification;
OR

- **Based on a Pending Form I-140.** If the preference category sought for the H-1B nonimmigrant does not require a Permanent Labor Certification Application with DOL, submit evidence that the H-1B nonimmigrant’s Form I-140 was filed at least 365 days prior to the expiration of the six-year limitation of stay and remains pending. You may show this by submitting a copy of the Form I-797 Notice of Receipt for Form I-140.

**Examples of Secondary Evidence.** If you do not have any evidence relating to the H-1B nonimmigrant as described in “a” or “b” above, you may ask USCIS to consider secondary evidence in support of your application for work authorization as an H-4 spouse. For example, such information may include the receipt number of the H-1B nonimmigrant's most current Form I-129 extension of stay request or the receipt number of the H-1B nonimmigrant's approved Form I-140 petition. Failure to provide necessary information about the H-1B nonimmigrant may result in a delay in the adjudication or denial of your application for employment authorization.

- If DOL certified the Permanent Labor Certification, a copy of Form I-797, Notice of Receipt, for Form I-140 establishing that Form I-140 was filed within 180 days of DOL certifying the Permanent Labor Certification Application; OR

- Evidence that your H-1B spouse’s Form I-140 was filed at least 365 days before the expiration of his or her six-year limitation of stay as an H-1B, and the Form I-140 remains pending. Such evidence may include, but is not limited to:

The application should be sent by CERTIFIED MAIL with return receipt requested to the lockbox address listed on the USCIS website. Please be sure to copy all documents and forms before you send them, including your check, and to save any receipts or notices you receive from USCIS. Once the H-4 receives a receipt for the case, it can be tracked online at [https://egov.uscis.gov/casestatus/landing.do](https://egov.uscis.gov/casestatus/landing.do)

After processing your materials to determine your eligibility, the USCIS will issue you an Employment Authorization Document (EAD) and mail it to you within California. This process takes approximately 90 days. If you will be moving out of California, you must provide a California address. **If you change your address after submitting your application, you must notify the USCIS and the Post Office of this change.**

You will not be eligible to work until the USCIS approves your I-765. Once approved, the expiration date on your EAD will likely be the same as the expiration date on your most recent I-94 record or I-797 approval notice. If you are still eligible for work authorization beyond that date, you should file your EAD application to extend your EAD 120 days prior to the extension.