

EMPLOYMENT SERVICES ALERT

5/7/14

The Obama Administration Proposes Rules that Allow Spouses of H-1B Visa Holders to Obtain Employment in the United States

By *Klodiana Tedesco*

On Tuesday, May 6, 2014, the Obama administration unveiled proposed rules that would grant employment authorization to spouses of skilled workers (H-1B visas holders) that have been sponsored by their employers for permanent employment in the United States. Currently, 85,000 new H-1B visas are issued each year, 20,000 of which are reserved for people with advanced degrees obtained in the United States. Employers who highly value the specialized work of these workers sponsor them for permanent residency (also known as the green card) to ensure that they continue their valuable work. This process also puts them on track for U.S. citizenship. However, given a staggering backlog of immigrant visas, many H-1B workers must wait years, some over 10 years, to become permanent residents. In the meantime, unless they have been approved for work visas of their own, the spouses of these workers are not permitted to work, thus putting their careers on hold while in the United States. Some talented workers choose not to accept employment in the United States because of this reason, and those who do must take into account financial difficulties, and often divided households. The revised regulation is aimed at correcting the problem.

The administration also proposed another rule to make it easier for outstanding professors and researchers from other countries to demonstrate their eligibility for the EB-1 visa, a type of green card reserved for the world's best and brightest.

The rules, which will be published soon in the Federal Register, are expected to go into effect after a 60-day public-comment period.

For further information, please contact **Klodiana B. Tedesco** at 614.723.2092 or ktedesco@ralaw.com.