

SAAPRI



South Asian American Policy & Research Institute

DEFYING DEPENDENCE:

IMPACTS OF H-4 WORK AUTHORIZATION POLICY ON
IMMIGRANT WOMEN, FAMILIES, AND COMMUNITIES



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ABOUT SAAPRI

The South Asian American Policy & Research Institute (SAAPRI) is a non-profit, non-partisan organization based in Chicago with the mission to serve the South Asian community by using research to formulate equitable and socially responsible policy recommendations. Since 2001, SAAPRI has conducted research, led policy initiatives, and organized outreach on issues of importance to South Asians including immigrant rights, civic engagement, economic development, hate crimes, and community health. Through its work, SAAPRI has focused on the concerns of marginalized groups within the South Asian community, including immigrants, women, people with limited English proficiency, and low-income community members.

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Her research focuses on the effects of migration on gender and families, transnational citizenship, and South Asian American community formation. Her most recent book, *High-Tech Housewives: Indian IT Workers, Gendered Labor, and Transmigration* (University of Washington Press, 2018), uses the case of Indian H-1B and H-4 visa holders to explore how ideas about gender and the family are transformed and reinforced through transnational and circulating migration.

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EXECUTIVE SUMMARY

Since taking office in 2017, the Trump administration has made efforts to restrict and deter immigration to the United States. This includes enacting a travel ban from mostly Muslim-majority countries, detaining and separating migrant families at the border, and supporting hardline immigration bills that would cut legal immigration and family-based immigration. In an effort to undermine rights for high-skilled immigrant workers, the administration has also worked to restrict the temporary non-immigrant H-1B and H-4 visa programs.

H-1B visas are issued to high-skilled workers to work in the U.S. on a temporary basis, and H-4 visas are issued to spouses and children under 21 years old of H-1B visa holders. In May 2015, the Obama administration created a new rule allowing certain H-4 spouses to obtain work authorization through an H-4 Employment Authorization Document (EAD). Spouses could legally work after being sponsored for a Green Card and while waiting for a priority date to become current, which can take many years for citizens of India and China. Prior to this rule, H-4 visa holders could not work in the U.S.

In December 2017, the White House proposed modifications to the H-1B Specialty Occupation guest worker program, including rescinding work authorization for dependent spouses. This rule change was intended to meet the goals of the administration's broader "Buy American and Hire American" executive order. Signed

in early 2017, this order had the objective of protecting American jobs through immigration enforcement and reform. On February 20th, 2019, U.S. Citizenship and Immigration Services (USCIS) issued a proposal to remove "H-4 dependent spouses from the class of aliens eligible for employment authorization."

In this report, survey responses and interviews with over 100 H-4 EAD holders were analyzed to understand how the ability to work impacts South Asian H-4 visa holders, their families, and their communities.

The issue of H-4 work authorization disproportionately affects immigrant women from South Asian countries. Since the adoption of the H-4 work authorization policy in 2015, 93% of all H-4 EADs have been granted to South Asians and 93% have been given to women. Well over 84,000 South Asians would be impacted by this policy change.

Revoking work authorization would have a detrimental impact on economic independence for women. The H-4 EAD closed the employment gap for hundreds of thousands of immigrants. Due to an overwhelming Green Card backlog for South Asians, H-4 visa holders could remain unemployed for up to a decade or more without the EAD. H-4 spouses, especially those who do not have a STEM career, do not always obtain employment easily, immediately, or in their desired field. Recent uncertainty around the continuation of H-4

work authorization has led to instability and even termination in the workplace for EAD holders. Moreover, the economic dependency that H-4 visa holders face can place them in vulnerable positions in cases of domestic violence or spousal abuse if they are unable to earn on their own.

The ability to work is closely tied to mental health outcomes for H-4 EAD holders and their families. Work authorization has increased confidence, self worth, independence, and security for immigrant women, which has had a positive impact on the mental health of H-4 dependents and their families. Current instability negatively influences marital relationships and would further prolong the harmful psychological and social impacts that losing work authorization would have on this immigrant community.

Losing the chance to work on the EAD would make households economically insecure. When asked what the biggest problems facing H-1B/H-4 families are today, 46% of EAD holders mentioned uncertainty of the future, while 23% mentioned financial instability and the inability to invest in their future in the United States. Many H-1B families waited to make major purchases until after both partners were able to work. Others even waited to start families to ensure household financial stability. Losing an income would put mortgages, student loan payments, emergency costs related to health and child care, and other financial obligations at risk.

Revoking work authorization would tear families apart and negatively impact children. Approximately 75% of H-4 EAD holders have children and 85% of those children are U.S. citizens. H-1B and H-4 visa

holders who are at risk of not having their applications renewed while waiting for a Green Card, or who must leave the country to find work to support their families, face being separated from their children. For families that have children born outside of the U.S., once these children turn 21 years old they could “age out” of their H-4 visa status as child dependents. If the family is not able to obtain a Green Card by this time, their children must transfer to an international student visa, leave the U.S., or face deportation. This presents an enormous social and economic disadvantage to young people, many of whom have lived in the U.S. for the majority of their lives.

The future of the H-4 EAD will influence the ability of the U.S. to attract and retain immigrants and high-skilled labor from other parts of the world. When asked whether they would advise people from abroad to come to the U.S., 81% of H-4 EAD holders said that they would not. When asked why, 74% mentioned the reason being current immigration policy. 18% of respondents mentioned that they would advise others to search for opportunities in other countries. The loss of immigrant talent to the U.S. will have long-term negative consequences as other countries benefit.

Rescinding work authorization would not provide any conceivable benefit to domestic workers or the economy. Not only would it reduce federal tax revenue, but 7% of H-4 visa holders are self-employed, including those who operate businesses that employ other immigrants and U.S. citizens. Losing work authorization not only puts immigrant businesses in jeopardy but also their ability to hire and retain American workers.

METHODOLOGY

The data in this report reflects responses from a sample of 103 H-4 visa holders with work authorization on the H-4 EAD. This sample was obtained using two confidential online surveys. SAAPRI also conducted follow up interviews with six H-4 visa holders from the survey participant pool whose profiles are included in this report.

Online Surveys

From July 2018 to February 2019, Dr. Amy Bhatt created and ran a confidential online survey regarding H-4 visa holders' experiences while living in the United States. The survey focused on how H-4 visa holders navigated the challenges they faced while on the dependent visa. It also covered their transition to the H-4 EAD and re-entry into the job market. The survey was distributed through social media, such as Facebook and Twitter, as well as through personal referrals. In total, there were 109 respondents who were geographically dispersed around the United States.

Between November 2018 to February 2019, SAAPRI recruited participants to complete an online survey adapted from Dr. Bhatt's survey. In total, there were 85 respondents who were geographically dispersed around the United States. Respondents provided written consent online prior to completing the survey. The survey included demographic questions, questions about the challenges visa holders faced in the job market, their experiences after receiving

the EAD compared to prior, and participant concerns about the proposed rule to revoke work authorization for H-4s. The survey was distributed through social media, personal referrals, and ethnic media.

Interviews

To obtain more qualitative data on the experiences of H-4 EAD holders, SAAPRI followed up with respondents of the H-4 survey to recruit participants for follow up interviews. Six participant interviews are incorporated in this study. Questions were tailored to each participant based on their responses to the initial online survey, and they were asked to expand on their answers and provide additional details. Follow up interviews were conducted in person, over the phone, and via written response.

Limitations

Since these two surveys were distributed primarily through social media and snowball referrals, the sample may not be representative of the totality of H-4 EAD experiences. Additional respondents and follow up interviews would add to a more robust understanding of how H-4 visa holders are navigating their visa statuses.

THE H-4 VISA AND EAD: AN OVERVIEW

The H-4 visa is a temporary, nonimmigrant visa category for the spouses and unmarried children under 21 years of age of individuals in one of the following nonimmigrant visa categories:

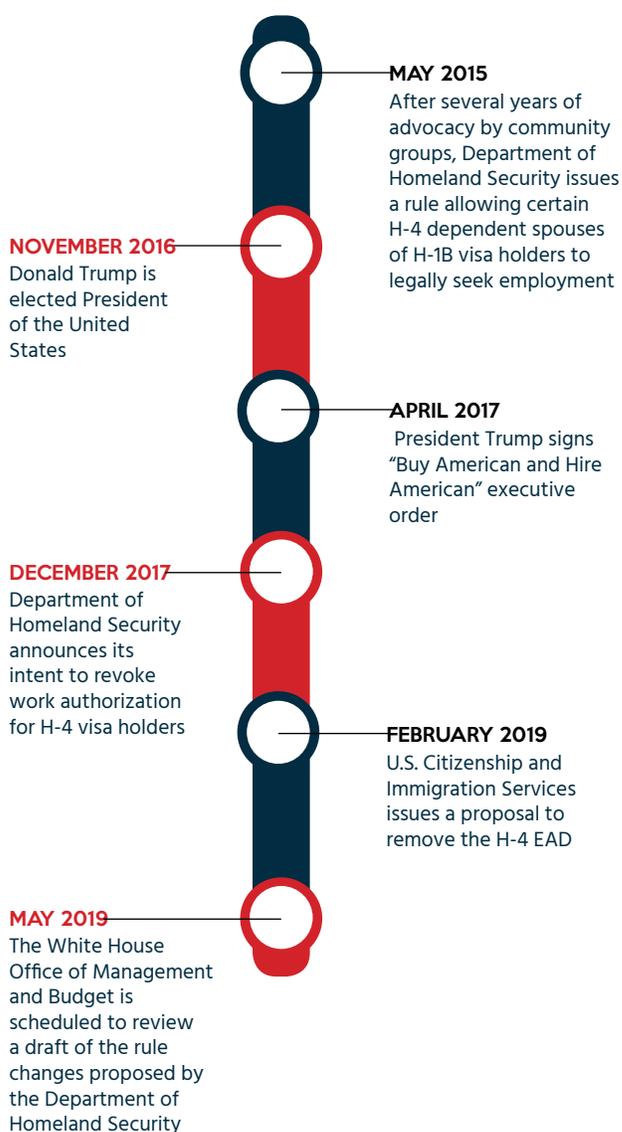
- H-1B: Workers in a specialty occupation
- H-1B1: Workers in a specialty occupation from Singapore and Chile
- H-2A: Temporary or seasonal agricultural workers
- H-2B: Temporary non-agricultural workers
- H-3: Nonimmigrant trainees, other than medical or academic

The H-4 visa is a dependent visa, which means that the immigration status of a spouse or child is dependent on the immigration status of the individual from one of the visa categories listed above. The most common of the above visas is the H-1B.

Prior to May 2015, H-4 visa holders were not permitted to work in the U.S. In order to work, H-4 visa holders had to change or adjust their immigration status. This includes becoming a permanent resident or applying for the H-1B or another visa with work authorization. In May 2015, under the Obama administration, USCIS included a new rule to allow certain H-4 visa holders to work. Under this rule, H-4 spouses of H-1B visa holders who have been approved to become Lawful Permanent Residents (after becoming the beneficiary of an approved Form I-140, Immigrant Petition for Alien Worker) but are unable to get their Green

Cards due to country backlogs are eligible to apply for temporary work authorization while they wait.

H-4 EAD TIMELINE 2015-2019



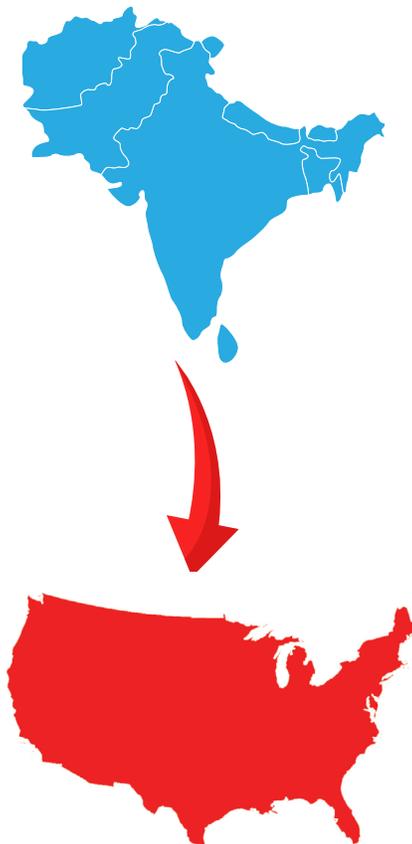
SOUTH ASIAN WOMEN ON THE EAD

Over the past 20 years, there has been a significant increase in the number of H-4 visa holders. South Asians are the largest population of immigrants that have been granted these visas, with the majority being given to Indians. From 1997 to 2017, the total number of H-4 visas granted to individuals from South Asian countries (India, Pakistan, Bangladesh, Sri Lanka, Nepal, and Bhutan) increased from 18,979 to 118,451 per year.¹ In 2017, 73% of all H-4 visas were granted to South Asians.²

FROM 1997 TO 2017, THE TOTAL NUMBER OF H-4 VISAS GRANTED TO INDIVIDUALS FROM SOUTH ASIAN COUNTRIES (INDIA, PAKISTAN, BANGLADESH, SRI LANKA, NEPAL, AND BHUTAN) INCREASED FROM 18,979 TO 118,451 PER YEAR.

93% OF H-4 EAD HOLDERS ARE SOUTH ASIAN. 93% OF H-4 EAD HOLDERS ARE ALSO WOMEN.

It is clear that the issue of H-4 work authorization disproportionately affects immigrant women from South Asian countries, who overwhelmingly dominate the applicant pool for H-4 EADs. Figure 1 reveals that 93% of H-4 EAD holders are South Asian. 93% of H-4 EAD holders are also women, as shown in Figure 2.



PERCENTAGE OF H-4 EADS GRANTED TO SOUTH ASIANS, FISCAL YEAR 2015-2018

Fiscal Year	EADs Granted to South Asians	Total EADs Granted	Percentage
2015	24,802	25,854	95.93%
2016	28,693	31,017	92.51%
2017	24,812	27,275	90.97%
2018	6,130	6,800	90.15%
Total	84,437	90,946	92.84%

Figure 1. Percentage of H-4 EADs Granted to South Asians, Fiscal Year 2015-2018. Data retrieved from U.S. Citizenship and Immigration Services, “Applicants for Employment Authorization (Form I-765) for H-4 Non-Immigrants by Gender and by Country of Birth FY 2015-2018.”

PERCENTAGE OF H-4 EADS GRANTED TO WOMEN, FISCAL YEAR 2015-2018

Fiscal Year	EADs Granted to Women	Total EADs Granted	Percentage
2015	24,545	25,854	94.94%
2016	28,870	31,017	93.08%
2017	25,250	27,275	92.58%
2018	6,270	6,800	92.21%
Total	84,935	90,946	93.49%

Figure 2. Percentage of H-4 EADs Granted to Women, Fiscal Year 2015-2018. Data retrieved from U.S. Citizenship and Immigration Services, “I-765 Applicants for Employment Authorization for H-4 Non-Immigrants by Gender FY 2015-2018.”

KEY DATES, EMPLOYMENT GAPS, AND GREEN CARD BACKLOGS

The average age of H-4 EAD holders was 32, ranging from 25 to 41 years old.³ Participants had arrived in the U.S. as early as December 2003 and as recently as July 2018. The median date of arrival was August 2012. This means that on average, as of June 2019, **H-4 EAD holders have been in the United States for over 6 years.**⁴

Participants received their H-4 EAD from May 2015 to October 2018, with a median date of August 2016.⁵ The average date of arrival to the U.S. and average date participants received their EAD were used to estimate the average length of an employment gap for H-4 dependent spouses.⁶

On average there was a **4 year employment gap**, which does not include the length of time it would take to obtain a job after receiving the EAD and assumes the H-4 visa holder did not obtain an employment visa during that time.⁷

IF H-4 WORK AUTHORIZATION IS REVOKED, AN EAD HOLDER COULD SPEND ANOTHER 10 YEARS OR MORE OUT OF THE WORKFORCE.

AVERAGE EMPLOYMENT GAP FOR SOUTH ASIAN H-4 EAD HOLDERS



The Green Card priority date for H-4 EAD holders ranged from May 2010 to August 2017, with a median priority date in July 2014.⁸ A Green Card priority date establishes one's place in line for a family-sponsored, employment-based, or permanent residency application to be processed. In recent years, the USCIS processing rate has varied for South Asians in employment based categories 2 and 3, which cover H-1B/H-4 families.⁹ In general, **applicants from India are waiting nearly 10 years for their Green Cards.** For example, an H-4 visa holder with a priority date of November 15, 2004 received a Green Card in June 2014.¹⁰ Someone who gets an H-4 EAD today with a priority date of June 2019 will wait for nearly a decade before receiving a Green Card. If H-4 work authorization is revoked, this EAD holder could spend **another 10 years or more out of the workforce.**

It is clear that there is fundamental inequity between a Green Card applicant from India or China and applicants from other countries due to the severe country backlog. Kaveri,¹¹ an H-4 EAD holder since December 2016, expressed, "I feel it is unfair. My friends from other countries, such as Armenia, moved to U.S. at the same time as I did and they already got Green Card whereas [those from India] are stuck in queue. The same standard is not applicable to different [residents] trying to get a Green Card in the U.S."

The H-4 EAD closed the employment gap for hundreds of thousands of immigrant

women. It also helped address the inequity in wait times for permanent residency based on country of origin by allowing spouses to work during this waiting period. When asked what are the biggest problems facing H-1B/H-4 families today, 28% of H-4 EAD holders mentioned the Green Card backlog.¹² Rescinding work authorization while there is a severe backlog for South Asians and great uncertainty about the number of years they must wait for to be approved could leave H-4 visa holders unemployed for many more years. This push out of the workforce comes just as many are finally beginning their careers in the U.S.

CAREER PATHWAYS AND JOB SECURITY FOR H-4 EAD HOLDERS

H-4 EAD holders have high levels of educational attainment. 77.78% of H-4 EAD holders have a masters or doctorate degree.¹³ However, not all H-4 dependents can utilize their education and skills by working on the EAD. 21% of H-4 EAD holders were unable to find work in their desired field or switched fields to secure employment.¹⁴ 63% of H-4 visa holders indicated that their job search after receiving their EAD was difficult. Only 21% found the process to be easy, while 16% remained neutral.¹⁵

Despite the fact that the H-4 EAD provided Mahi,¹⁶ a software engineer and H-4 EAD holder since April 2017, with the ability to work, she expressed that having the EAD was not seen as an advantage during her job application process, and it took her over a year to secure employment. She said, “Most employers would reject me straight away after learning that I have an H-4 EAD. It was very stressful to find a job but thankfully someone at least agreed to hire me. I started working from July 2018.”

These results show that even with work authorization, many H-4 dependents do not obtain employment easily, immediately, or in their desired field. H-4 visa holders must compete with other workers who do not have similar visa constraints and contend with gaps in their resumes. Moreover, recent uncertainty around the continuation of H-4 work authorization has led to workplace instability and even termination of EAD

holders. Anjali,¹⁷ an artist and EAD holder since July 2015, echos this experience when describing her work environment. She said, “I am in lot of ambiguity right now. My management is also confused with what’s going on with the H-4 EAD. They really want me to work but USCIS is planning to remove it. [My employer] is concerned and thinking to remove me from [my] job.”

First-hand accounts from those who do not have a career in science, technology, engineering, or math (STEM), which make up over 50% of H-4 EAD holders,¹⁸ revealed even greater job insecurity.

“I AM IN A LOT OF AMBIGUITY RIGHT NOW. MY MANAGEMENT IS ALSO CONFUSED WITH WHAT’S GOING ON WITH THE H-4 EAD. THEY REALLY WANT ME TO WORK BUT USCIS IS PLANNING TO REMOVE IT.” -ANJALI

Urvashi,¹⁹ a PhD graduate in Cultural Studies, was unable to find a job in academia prior to receiving her H-4 EAD in September 2015. She attributes her unemployment to not being in a STEM field, where employment visas such as the H-1B are more readily available. After she found a job in a teaching

position at a tutoring firm, she explained “I was hired but fired in 15 days because of press releases by the USCIS stating they were preparing to undo H-4 EAD. I am currently working freelance platforms earning a fraction of what I could in a regular full-time job.”

It is clear that without work authorization, immigrant women are unable secure their economic future with dignity. This includes the ability to work, choose a career path in their desired field, and provide for their families without a looming fear of unemployment.

FIELDS OF WORK FOR SOUTH ASIAN H-4 EAD HOLDERS

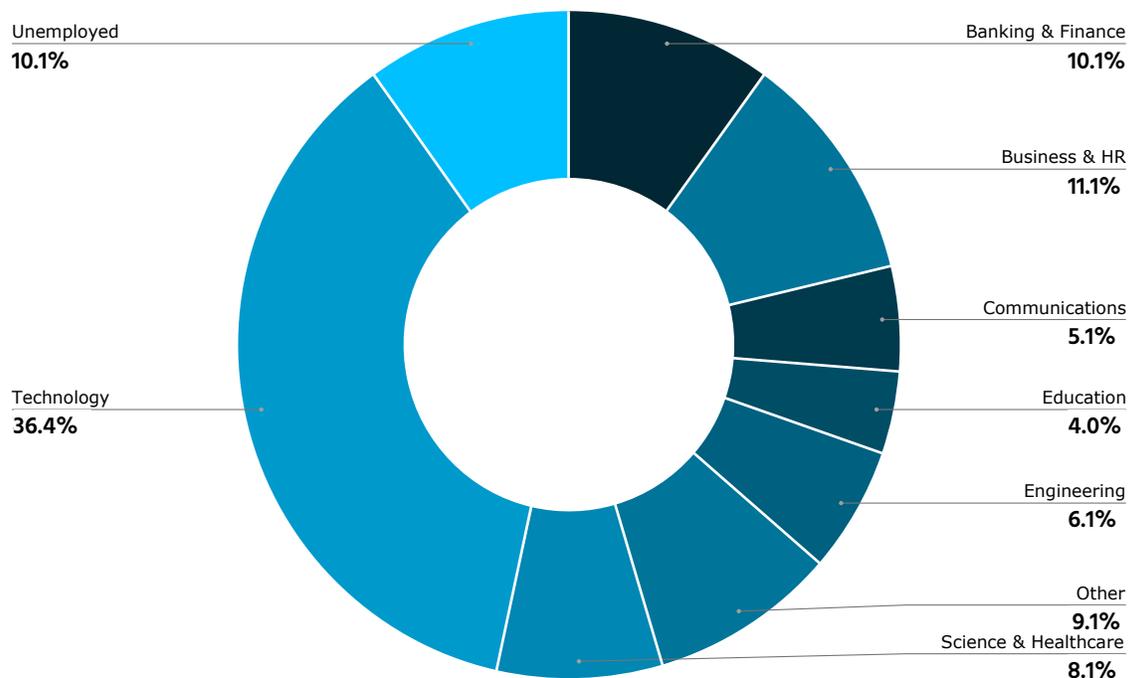


Figure 3. Fields of Work for South Asian H-4 EAD Holders. Data retrieved from 99 survey participants, in response to “If on an EAD, what kind of work do you do today?”

WORK AUTHORIZATION AND MENTAL HEALTH OUTCOMES

For H-4 dependents, the ability to work can be closely tied to mental health. When asked what the biggest problems facing H-1B/H-4 families are today, 19% explicitly mentioned poor mental health, stress, depression, unhappiness, or worry due to the prospect of losing work authorization.²⁰

A decline in mental health can also extend to spouses of H-4 visa holders, as Mahi²¹ expressed: “Both me and my spouse were mentally affected by the administration’s plans to take away H-4 EAD. [It was] very stressful and [lowered] my confidence level.”

“BOTH ME AND MY SPOUSE WERE MENTALLY AFFECTED BY THE ADMINISTRATION’S PLANS TO TAKE AWAY H-4 EAD. [IT WAS] VERY STRESSFUL AND [LOWERED] MY CONFIDENCE LEVEL.” -MAHI

Several H-4 EAD holders expressed how being able to work improved their mental health, including Anjali²² who said, “Having EAD improved my confidence levels [by] helping my family financially and also

[my] mental and physical stability...I am an individual person who doesn’t want to depend on others.” Kaveri²³ explained, “If my husband was the only source of income, I would feel financially and emotionally insecure, but EAD closed that gap.”

These sentiments reflect that the ability to work is tied to feelings of confidence, self worth, independence, and security, which can certainly impact long-term mental health outcomes for immigrant women. An uncertain future further prolongs the negative psychological impact that losing work authorization would have on EAD holders.

IMPACT OF H-4 EAD ON FAMILIES

“[THE H-4 EAD] POLICY CHANGE WAS A LIFE-GIVER TO MANY WOMEN LIKE ME WHO WERE STUCK AT HOME, WITH NO LIFE OF THEIR OWN OR SENSE OF PURPOSE. IF THIS GOES, I WOULD HAVE TO REASSESS WHY I AM IN THIS COUNTRY ALL OVER AGAIN.” -URVASHI

Revoking the H-4 EAD would not only impact individuals, but would have a detrimental impact on entire families. Losing the chance to work on the EAD would make households economically insecure. When asked what are the biggest problems facing H-1B/H-4 families today, 46% of EAD holders mentioned uncertainty of the future, while 23% mentioned financial instability or the inability to invest in their future in the United States.²⁴

Many H-1B families waited to make major purchases, such as homes or cars, until after both partners were able to work. Others even waited to start families until after both spouses were working to ensure household financial stability. Losing an income would put mortgages, student loan payments, and other financial obligations at risk.

As Kaveri²⁵ notes, “Having the ability to work allows me to contribute towards house finances, as we max out our hospital insurance coverage every year due to [my spouse’s] ongoing side effects from radiation [due to his cancer treatment]. Additionally, we are thinking of starting a family so having a job ensures that I can raise my children in the future, should any disaster strike again.”

This instability influences marital relationships as well. H-4 visa holders report that their inability to work creates stress between themselves and their spouses. Urvashi²⁶ reflects, “[When I came to the U.S.] my marital happiness suffered on an everyday basis - an unspoken sadness enveloped it from the first few months when I discovered no one would hire me although I had a PhD...[The H-4 EAD] policy change was a life-giver to many women like me who were stuck at home, with no life of their own or sense of purpose. If this goes, I would have to reassess why I am in this country all over again.”

The economic dependency that H-4 visa holders face also places them in vulnerable positions in cases of domestic violence or spousal abuse. Scholars and advocates have documented the double-bind that H-4 visa holders face as immigrants and as dependents who are reliant on their spouses economically.²⁷ The EAD offers spouses the chance to earn on their own, which can work as a safeguard in situations of violence.

CONCERNS FOR H-4 DEPENDENT CHILDREN

Beyond adults, children would be negatively impacted by changes to the H-4 EAD. Approximately 75% of H-4 EAD holders have children and 26% have 2 or more.²⁸ 85% of those children are U.S. citizens.²⁹ H-1B and H-4 visa holders who are at risk of not having their applications renewed while waiting for the Green Card, or who must leave the country to find work, face being separated from their children. A large majority of H-1B/H-4 families want to make the United States their permanent home and their children are well integrated into local schools and institutions. Pushing these families out of the country would hurt communities as well.

For Kaveri,³⁰ losing the EAD could effectively tear her family apart. She relates, “If work authorization is taken away I will have to separate and live away from my husband. He cannot leave Seattle due to [his treatment at this] cancer center and I cannot stay in the U.S. with no guaranteed employment and job for the next few years. I must continue to work to be able to support my family.”

For families that have children born outside of the U.S., there is an even more worrisome problem. Once these children turn 21 years old, they could “age out” of their H-4 visa status as child dependents. This means that if the family is not able to obtain a Green Card by this time, their children must transfer to an international student visa, leave the U.S., or face deportation. This presents an enormous disadvantage

to young people while many have lived in the U.S. for much of their lives without the ability to work or apply for certain fellowships, financial aid, and even internships due to their status.

One H-4 dependent, Saloni,³¹ came to the U.S. at age 6 from India and is currently a college student. Saloni says, “Seeing all my peers getting internships, jobs, or opportunities that I’m not eligible for is really frustrating...this is really the only home I know. I don’t feel any connection to India, yet I’m treated as if I’m a complete stranger to this country.”

“IF WORK AUTHORIZATION IS TAKEN AWAY I WILL HAVE TO SEPARATE AND LIVE AWAY FROM MY HUSBAND...I MUST CONTINUE TO WORK TO BE ABLE TO SUPPORT MY FAMILY.”
-KAVERI

Along with her concern for her family’s economic security, as her father is currently on the H-4 EAD to help support their family of four, she is concerned that she may eventually be forced to return to India. The H-4 EAD benefits these families that must bear an extra economic burden of supporting their children through expensive international student fees and potentially their life overseas if they are forced to leave.

ECONOMIC & IMMIGRATION IMPLICATIONS FOR THE U.S.

The H-4 EAD rule will impact the ability of the U.S. to attract immigrants and high-skilled labor from other parts of the world. When asked whether they would advise people from abroad to come to the U.S., 81% of H-4 EAD holders said that they would not.³²

WHEN ASKED WHETHER THEY WOULD ADVISE PEOPLE FROM ABROAD TO COME TO THE U.S., 81% OF H-4 EAD HOLDERS SAID THAT THEY WOULD NOT.

When asked why, 74% mentioned the reason being current immigration policy.³³ 18% of respondents mentioned that they would advise others to search for opportunities in other countries. The loss of immigrant talent to the U.S. will have long-term negative consequences. As the U.S. becomes less attractive to high-skilled global workers, other countries with less restrictive immigration policies will surely benefit.

Several survey respondents indicated that they were also exploring the possibility of moving to countries where it would be easier to get a spousal work permit, such as Canada. As Kaveri³⁴ reported, "I have advised all my friends and family to look at other countries for opportunities such as Canada, New Zealand, [or] Australia."

THE ANNUAL CONTRIBUTION TO U.S. GROSS DOMESTIC PRODUCT BY THEIR H-4 PARTICIPANT COHORT ALONE IS APPROXIMATELY \$5.5 BILLION.

The Trump administration plans to rescind H-4 work authorization under the "Buy American and Hire American" executive order under the assumption that eliminating the H-4 EAD will benefit the economy and employ more Americans by protecting jobs from immigrants. A recent study on the benefit-cost analysis of the work authorization program found that the annual contribution to U.S. gross domestic product by their H-4 participant cohort alone is approximately \$5.5 billion.³⁵ Revoking work authorization would reduce federal tax revenue without providing a conceivable benefit to domestic workers. Brannon and McGee's study further revealed that 7% of H-4 visa holders are self-employed, which includes those who operate businesses that employ themselves and others.

**“IF THE H-4 EAD GOES AWAY,
I WILL LOSE MY CHANCE TO
BUILD THIS BUSINESS, TO BE
AN ENTREPRENEUR WHO CAN
CREATE JOBS. NOT JUST TAKE
JOBS.” -NALINI**

immigrants.³⁷ This shows that rescinding the EAD would not only put employment in jeopardy for immigrants but also their ability to hire and retain American workers.

Nalini³⁶ is an example of an H-4 EAD holder who plans to join this category. In recent months, Nalini has been working to acquire an occupational therapy clinic in North Miami that currently employs 10 U.S. citizens. She hopes that with her investment, they will be able to expand to hire at least 5 more therapists. However, if the H-4 EAD is revoked, she would no longer be able to build this business. The clinic in question is struggling financially and would have to look for another buyer or potentially close, leaving 10 current employees without jobs. Nalini notes, “I have never sat at home and always wanted to work. Now I have the chance to start something and provide services that really are needed in this country. If the H-4 EAD goes away, I will lose my chance to build this business, to be an entrepreneur who can create jobs. Not just take jobs.”

Nalini’s story is one of many H-4 entrepreneurs across the country who already employ domestic workers or aspire to do so as they advance in their careers. Foreign-born workers in the United States are 30% more likely to start a new business than a native worker, and 25% of all startups in Silicon Valley have been founded by

CONCLUSION

It is clear from the results of this study that rescinding work authorization for H-4 visa holders will have negative consequences for immigrant women, families, and the U.S. at large. Revoking the EAD will disproportionately impact women and the South Asian community, which make up an overwhelming majority of H-4 EAD recipients. The ability to work allows H-4 dependent spouses to have personal autonomy and economic independence, which is crucial to their well-being and the well-being of their families.

Revoking the EAD could leave H-4 visa holders unemployed for over a decade while they wait for a Green Card. This puts women and families at risk for financial insecurity and also leaves women suffering from spousal abuse vulnerable and with fewer resources. Denying EAD holders the ability to work would also negatively impact mental health outcomes, contributing to feelings of stress, depression, isolation, and impacting marital relationships.

Rescinding work authorization would also prevent families from investing in their future in the United States due to uncertainty and financial instability. This could lead to H-4 visa holders leaving their spouses and children in the U.S. to seek employment, effectively tearing families apart. Without the ability to contribute to their communities and provide for their families, rescinding the EAD would deter immigrants and skilled labor from other parts of the world to come to the U.S. If immigrants turn to other countries for

opportunities, this would be a major loss for the U.S. with long term consequences.

For the administration to put into effect the proposed rule to revoke work authorization, it must formally publish its intent to do so and make the proposed rule change available to the public. Once the Notice of Proposed Rulemaking is cleared by the White House and published to the Federal Register, there will be a 30-60 day review period for the public to comment on the proposed rule. During this period it will be crucial to bring these findings and the voices of those directly impacted to decision makers in an effort to oppose this rule change. The comment period provides an opportunity for EAD holders and advocates to take concrete action on this issue, as these comments and responses are likely to provide the basis for a court challenge to the rescission of the rule.

Furthermore, a Congressional solution to the Green Card backlog and comprehensive immigration reform is crucial to ensuring that the H-4 EAD does not only remain a stop-gap solution to current immigration hurdles. Current policy is fundamentally inequitable for temporary workers and international students from select countries, undocumented immigrants, and others seeking citizenship and belonging in the U.S. Through advocacy supported by research, our communities can help lawmakers formulate data-driven solutions to protect H-4 work authorization and improve immigration policy at large.

ENDNOTES

1. U.S. Citizenship and Immigration Services, “Applicants for Employment Authorization (Form I-765) for H-4 Non-Immigrants by Gender and by Country of Birth FY 2015-2018.”
2. Ibid.
3. Data retrieved from 90 survey participants in response to “Age.”
4. Data retrieved from 88 survey participants in response to “When did you come to the United States?”
5. Data retrieved from 83 survey participants in response to “When did you receive your H-4 EAD?”
6. Data retrieved from 88 survey participants in response to “When did you come to the United States?” and 83 survey participants in response to “When did you receive your H-4 EAD?”
7. The gap between August 2012, the median date participants arrived in the U.S., and August 2016, the median date that participants received their H-4 EAD, was calculated to be 4 years.
8. Data retrieved from 39 participants in response to “If you are waiting for the Green Card, what is your priority date?”
9. See U.S. Department of State “The Visa Bulletin” at travel.state.gov.
10. See “India EB2 Visa Bulletin” at ImmigrationRoad.com.
11. See Appendix for Kaveri’s full story.
12. Data retrieved from 81 survey participants in response to “What are the biggest problems facing H-1B/H-4 families today?”
13. Data retrieved from 36 survey participants who specified degree level in response to “Highest Degree Earned.”
14. Data retrieved from 90 survey participants, in response to “If you have an EAD, were you able to find work in your chosen/desired field?”
15. Data retrieved from 87 survey participants, in response to “If on an EAD, what was your job search process like?”
16. See Appendix for Mahi’s full story.
17. See Appendix for Anjali’s full story.
18. Figure 3 shows that over 50% of H-4 EAD holders are in STEM fields.
19. See Appendix for Urvashi’s full story.
20. Data retrieved from 81 survey participants in response to “What are the biggest problems facing H-1B/H-4 families today?”
21. See Appendix for Mahi’s full story.
22. See Appendix for Anjali’s full story.
23. See Appendix for Kaveri’s full story.
24. Data retrieved from 81 survey participants in response to “What are the biggest problems facing H-1B/H-4 families today?”
25. See Appendix for Kaveri’s full story.
26. See Appendix for Urvashi’s full story.
27. See the work of social work professor Dr. Rupaleem Bhuyan (2008; 2010) on this topic.
28. Data retrieved from 93 survey participants in response to “Do you have children? How many and what ages?”
29. Data retrieved from 66 survey participants in response to “What is the status of your child/children?”
30. See Appendix for Kaveri’s full story.
31. See Appendix for Saloni’s full story.
32. Data retrieved from 77 survey participants in response to “Would you advise people coming from abroad to still come to the U.S.?”
33. Data retrieved from 39 survey participants in response to “Why or why not?” as a follow up to “Would you advise people coming from abroad to still come to the U.S.?”
34. See Appendix for Kaveri’s full story.
35. See Ike Brannon and M. Kevin McGee’s study that surveyed 4,708 H-4 EAD holders.
36. See Appendix for Nalini’s full story.
37. See Ike Brannon and M. Kevin McGee’s study that surveyed 4,708 H-4 EAD holders.

APPENDIX: PROFILES OF H-4 VISA HOLDERS ACROSS THE UNITED STATES

*Participant names have been changed at their request to protect their identities.



URVASHI, 37

UNEMPLOYED, FREELANCER

SAN DIEGO, CALIFORNIA

H-4 EAD HOLDER SINCE SEPTEMBER 2015

Urvashi lives in San Diego with her spouse and child, and she holds a PhD in Cultural Studies. Before she could apply for an EAD in 2015, she had a difficult time finding a job because no employers were willing to sponsor her for an employment visa. “[When I came to the U.S.] my marital happiness suffered on an everyday basis - an unspoken sadness enveloped it from the first few months when I discovered no one would hire me although I had a PhD,” said Urvashi. She attributes this primarily to the fact that she is not in a STEM field, where employment visas like the H-1B are more readily available.

Urvashi feels it is unfair that her degree and labor are undervalued simply due to her immigration status. The prospect of losing the ability to work altogether if the EAD is revoked has negatively impacted her mental health, marriage, and ability to provide for her family. “[The H-4 EAD] policy change was a life-giver to many women like me who were stuck at home, with no life of their own or sense of purpose. If this goes, I would have to reassess why I am in this country all over again.” She hopes this policy will remain intact and continue to provide women with the ability to determine their own future.

After applying for and receiving an EAD, she was finally able to find a job. Unfortunately, her relief did not last long. She said, “I was hired [for a teaching position at a tutoring firm] but fired in 15 days because of press releases by the USCIS stating they were preparing to undo H-4 EAD. I am currently working freelance platforms earning a fraction of what I could in a regular full-time job.”

MAHI, 25

SOFTWARE ENGINEER

ATLANTA, GEORGIA

H-4 EAD HOLDER SINCE APRIL 2017

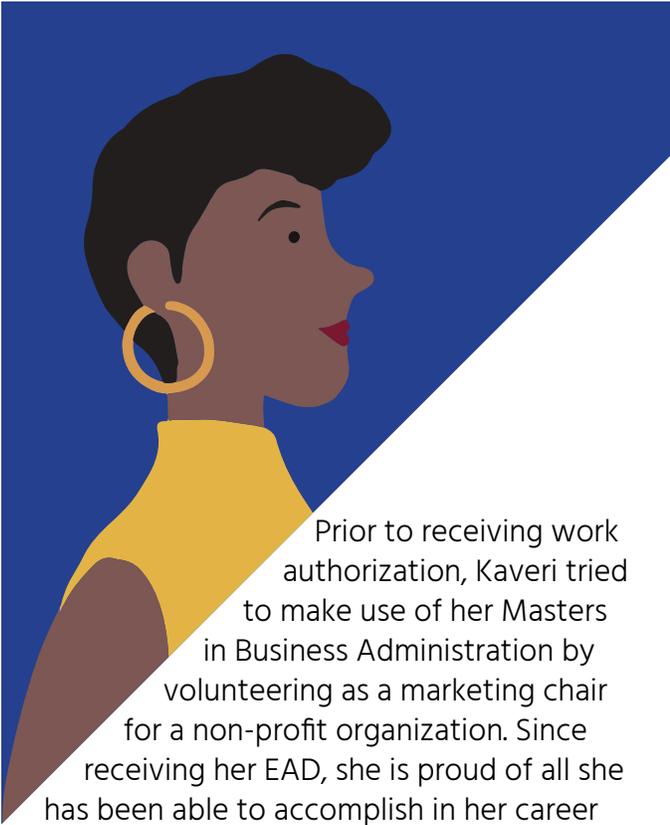


Mahi came to the U.S. in 2015. She is a software engineer with a Masters in Information Technology. Mahi lives with her spouse in Atlanta, Georgia. Even after receiving her EAD in 2017, she faced difficulty finding a job. Mahi said, “Most employers would reject me straight away after learning that I have an H-4 EAD. It was very stressful to find a job but thankfully someone at least agreed to hire me. I started working from July 2018. Please don’t take it away.”

She enjoys her work but is now living in fear that she may lose her job if work authorization is revoked. Just as Mahi found some stability in a new country, her future is now in jeopardy. “Both me and my spouse were mentally affected by the administration’s plans to take away H-4 EAD. [It was] very stressful and [lowered] my confidence level,” she said.

As the fate of H-4 work authorization remains uncertain, so does Mahi’s future. If the H-4 EAD is rescinded, she will most likely be forced to seek work in another country. She says, “[If work authorization is taken

away] we need to rethink our plans to stay in U.S.”



KAVERI, 33

MARKETING MANAGER
SEATTLE, WASHINGTON

H-4 EAD HOLDER SINCE DECEMBER 2016

Prior to receiving work authorization, Kaveri tried to make use of her Masters in Business Administration by volunteering as a marketing chair for a non-profit organization. Since receiving her EAD, she is proud of all she has been able to accomplish in her career as a senior marketing manager and has been praised by her company for her quality of work. She says, "If my husband was the only source of income, I would feel financially and emotionally insecure, but EAD closed that gap. H-4 EAD was a blessing."

In recent months, however, her employer has expressed concerns about losing her as uncertainty around the EAD grows. "I feel very threatened and insecure. I feel it is unfair. My friends from other countries, such as Armenia, moved to U.S. at the same time as I did and they already got Green Card whereas [those from India] are stuck in queue. The same standard is not applicable to different [residents] trying to get a Green Card in the U.S.," said Kaveri.

In February 2016, a few months after she arrived in the U.S., Kaveri's husband was diagnosed with a rare, aggressive form of cancer called adenoid cystic carcinoma. Her husband has to work to maintain his H-1B visa status, but currently he is focusing on his treatment,

making her the primary breadwinner in the family. "Having the ability to work allows me to contribute towards house finances, as we max out our hospital insurance coverage every year due to his ongoing side effects from radiation. Additionally, we are thinking of starting a family so having a job ensures that I can raise my children in the future, should any disaster strike again."

The form of cancer Kaveri's husband has is extremely rare and requires specialized treatment. "Doctors have said that he has a 5% survival chance in next 10 years. [There are] only 3 facilities in USA and 5 worldwide treatment centers for my husband's illness," she explained. "If work authorization is taken away I will have to separate and live away from my husband. He cannot leave Seattle due to [his treatment at this] cancer center and I cannot stay in the U.S. with no guaranteed employment and job for the next few years. I must continue to work to be able to support my family."

If Kaveri leaves the U.S., she will no longer be able to support her husband as a caregiver. But she feels that she has no option until they receive their Green Card. Her EAD is vital to her family's survival. Kaveri hopes that she and others will not have to endure such a painful choice. She says, "I have advised all my friends and family to look at other countries for opportunities such as Canada, New Zealand, [or] Australia."

ANJALI, 28

PROJECT ANALYST

FRISCO, TEXAS

H-4 EAD HOLDER SINCE JULY 2015



Anjali is a project analyst from Frisco, Texas who holds a Bachelors in Technology. She received an H-4 EAD in 2015 after a long, difficult, and expensive 6 month approval process. Receiving an EAD immediately improved her job search as she could now work for any employer without having to convince them to sponsor her for an employment visa. Anjali said, “Having EAD improved my confidence levels [by] helping my family financially and also [my] mental and physical stability.”

Like many H-4 EAD holders, Anjali is worried about her job security. “I am in lot of ambiguity right now. My management is also confused with what’s going on with the H-4 EAD. They really want me to work but USCIS is planning to remove it. [My employer] is concerned and thinking to remove me from [my] job,” she explained.

If work authorization is revoked, Anjali says “we will probably decide to go back to [our] home country as it is very expensive with [only] one person making money in the family...I am an individual person who doesn’t want to depend on others. I am very concerned and disappointed with how things are going.” Anjali wants to keep her EAD to continue to provide for her family and maintain her independence.



NALINI, 39

DIRECTOR OF HUMAN RESOURCES AND
CLINIC MANAGER

SAN JOSE, CALIFORNIA

H-4 EAD HOLDER SINCE JUNE 2015

Nalini came to the United States in 2008 to join her husband who was working in Silicon Valley. Prior to moving abroad, she had earned her Bachelor's and Master's degrees in Human Resource Management. She had been working in hospitals in India and then moved soon after getting married. For a short period, she worked at the Indian Embassy in San Francisco, but then went back to school to complete a second Master's degree in Healthcare Administration.

Since 2014, she has been working with the same healthcare staffing company, first through the Optional Practical Training (OPT) program, and then on an H-4 EAD. Her company provides speech and occupational therapists to schools, clinics, and hospitals. Many of their clients are in rural and underserved areas.

In recent months, Nalini has been working to acquire a clinic in North Miami that would provide bilingual and in-home services to children that require additional attention outside of a traditional school or clinic setting. The company currently employs 10 U.S. citizens and she is hoping that with her investment, they will be able

to expand to hire at least 5 more therapists. Her current boss is a co-investor in the project and Nalini would be the CEO of the acquired clinic. "Right now I am the director of a company planning to open a new business. If my H-4 EAD goes away, I don't know what I'll do because I will lose my job," Nalini said. "It's very stressful - a lot of nights I can't sleep. I get bad dreams about the thought of not having a job".

If the H-4 EAD is revoked, Nalini would lose the opportunity to build this business. Her co-investor has said that he would likely withdraw his financial contribution if she were no longer able to run the clinic and follow her business plan. The clinic in question is struggling financially and would have to look for another buyer or potentially close, leaving 10 current employees without jobs.

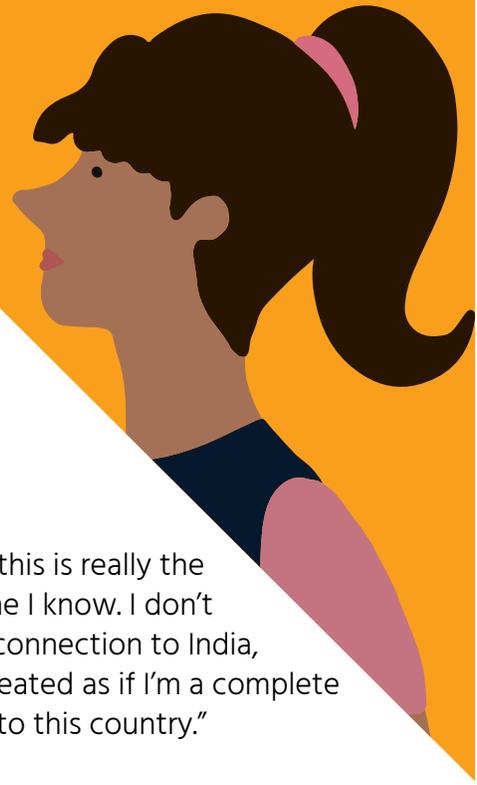
She notes, "I have never sat at home and always wanted to work. Now I have the chance to start something and provide services that really are needed in this country. If the H-4 EAD goes away, I will lose my chance to build this business, to be an entrepreneur who can create jobs. Not just take jobs."

SALONI, 18

STUDENT

CHICAGO, ILLINOIS

H-4 DEPENDENT



Saloni came to the United States at the age of 6 with her mother, father, and younger brother. She is an H-4 dependent on her mother, who holds an H-1B visa. She knows America as her home with little memory of her childhood in India. Saloni's father is currently an EAD holder which he uses to work in a hospital as a doctor. If the EAD is taken away, her mother will be the sole breadwinner of a family of four.

because this is really the only home I know. I don't feel any connection to India, yet I'm treated as if I'm a complete stranger to this country."

As a dependent under 21 years old, Saloni is not allowed to apply for an EAD. She watches in frustration every day as her classmates get opportunity after opportunity that she remains ineligible for due to her legal status. "Seeing all my peers getting internships, jobs, or opportunities that I'm not eligible for is really frustrating. This upcoming year I wanted to be a Resident Assistant, but I can't apply once again because of my immigration status," she said.

Saloni is a part of a number of H-4 visa holders around the country who are in a very vulnerable situation. After she turns 21, Saloni will no longer be considered a dependent and will have to apply for a different visa or be forced to return to India. She said, "[This visa policy is] frustrating

REFERENCES

"Applicants for Employment Authorization (Form I-765) for H-4 Non-Immigrants by Gender and by Country of Birth FY 2015-2018." *U.S. Citizenship and Immigration Services* (2018).

Bhuyan, Rupaleem. "Reconstructing Citizenship in a Global Economy: How Restricting Immigrants from Welfare Undermines Social Rights for US Citizens." *Journal of Sociology & Social Welfare*, 37 (2010): 63.

Bhuyan, Rupaleem. "Navigating Gender, Immigration, and Domestic Violence." *Body Evidence: Intimate Violence against South Asian Women in America* (2008): 229-242.

Brannon, Ike & M. Kevin McGee. "Repealing H-4 Visa Work Authorization: A Cost-Benefit Analysis." (April 2, 2019).

"I-765 Applicants for Employment Authorization for H-4 Non-Immigrants by Gender FY 2015-2018." *U.S. Citizenship and Immigration Services* (2018).

"India EB2 Visa Bulletin." ImmigrationRoad.com (2019). <https://immigrationroad.com/visa-bulletin.php>

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