

February 12, 2018

The Honorable Lee Francis Cissna,
Director U.S. Citizenship and Immigration Services,
20 Massachusetts Avenue NW Washington,
D.C. 20529

Employment Authorization for Certain H-4 Dependent Spouses

Dear Director Cissna,

On behalf of Permits Foundation, I write regarding upcoming plans to review the Employment Authorization for Certain H-4 Dependent Spouses Rule (H-4 rule), published by the Department of Homeland Security (DHS) on February 25, 2015. Given the anticipated impact on companies, employees and their families, we request that you maintain the current program and respectfully recommend against rescinding work access for this subset of H-4 spouses.

Permits Foundation is a not-for-profit organization supported by more than [40 major international companies and organizations](#) from a variety of business backgrounds, showing the breadth of support for international dual careers in both the private and public sector. Our sponsors are both US and international companies that operate globally and also have long term operations in the USA where, between them, they provide employment for hundreds of thousands of workers.

Countries and companies want to be able to attract the best and the brightest. Permits Foundation's extensive [international surveys](#) show that governments that allow spouses and partners to work attract those highly-skilled employees associated with international business and investment, creating a 'triple win' for host countries, employers and families alike.

In recent years, more and more countries are responding to this trend and amending their immigration legislation and regulations in order to gain a competitive edge and attract highly skilled talent. Currently [around 30 countries allow accompanying spouses or family members to work](#), without limiting permission to those awaiting permanent residence. In Europe, under plans to revise the Blue Card scheme, which already enables partner employment, the European Commission stresses that *"unhindered access to work for spouses should be a fundamental element of this Directive in order to facilitate the attraction of highly skilled workers"*.

This need to attract skilled workers is particularly relevant in the USA and we note the gap between STEM job openings and available graduates as highlighted in a [letter](#) to USCIS from leading business groups – a letter that we fully support.

Removing H-4 spouse access to employment would result in costs to US businesses as some will face the disruption of losing the H-4 spouse, while others may lose the H-1 employee if the family lose faith in the whole process and relocate to another country where the spouse or partner can work.

This is evidenced by several international surveys showing that employee concerns about partner employment are a key factor in failed assignments. For example, in our [survey of 177 leading global organizations](#) (employing almost 7.5 million between them) over half of employers reported that employees turned down an assignment and 21% reported that assignees returned home early due to these concerns. Unsurprisingly, companies look to minimize this risk.

A decision to take this small subset of H-4 visa holders out of employment would therefore be counterproductive. Already on the path to US citizenship (having met the criteria for a Green Card) they reside legally in the US and are already contributing to the economy. These individuals are usually highly educated - in our global survey we found that 80-90% of highly skilled partners were graduates - paying taxes, ensuring mortgage payments, and working to raise their families. In our 2015 [UK survey](#), Permits Foundation conservatively estimated the fiscal contribution of a highly skilled couple over a three-year period at £350,000 (over \$480,000). We have every expectation that it would be a similar order of magnitude for the US.

In addition to the business and economic impact, there are also important social aspects to consider in relation to the reasonable expectation of these H-4 spouses to be able to continue to develop their skills, potential and well-being through employment. Permits Foundation surveys have shown ample evidence that access to employment for partners has a positive impact on health and well-being, family relationships and integration into the host country. USCIS should not leave them unable to make use of their talent for the benefit of the country, their employer and their family.

Given the points above, Permits Foundation supports the continuation of the existing H-4 work authorization program. We also urge the development of new legislation that would broaden H-4 spouses' access to work and have been encouraged by the I-Squared Bill proposals by Senators Hatch and Flake. Permits Foundation asks that USCIS take our concerns into account and we offer our resources should any further information be useful.

Sincerely,

Michiel van Campen

Executive Director, Permits Foundation

cc: The Honorable Kirstjen Nielsen, Secretary, Department of Homeland Security