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On February 25, 2015, DHS published a final rule extending eligibility for employment authorization to certain H-4 dependent spouses of H-1B nonimmigrants who are seeking employment-based lawful permanent resident (LPR) status. DHS is publishing this notice of proposed rulemaking to amend that 2015 final rule. DHS is proposing to remove from its regulations certain H-4 spouses of H-1B nonimmigrants as a class of aliens eligible for employment authorization.

Agency: Department of Homeland Security(DHS)**Priority:** Economically Significant**RIN Status:** Previously published in the Unified Agenda**Agenda Stage of Rulemaking:** Proposed Rule Stage**Major:** Yes**Unfunded Mandates:** Private Sector**EO 13771 Designation:** Other**CFR Citation:** [8 CFR 214](#) 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** [6 U.S.C. 112](#) [8 U.S.C. 1103\(a\)](#) [8 U.S.C. 1184\(a\)\(1\)](#) [8 U.S.C. 1324a\(H\)\(3\)\(B\)](#)**Legal Deadline:** None**Statement of Need:**

DHS is reviewing the 2015 final rule in light of issuance of Executive Order 13788, Buy American and Hire American.

Summary of the Legal Basis:

The Secretary of Homeland Security (Secretary) has the authority to amend this regulation under section 102 of the Homeland Security Act of 2002, Public Law 107-296, 116 Stat. 2135, 6 U.S.C. 112, and section 103(a) of the Immigration and Nationality Act (INA), 8 U.S.C. 1103(a), which authorize the Secretary to administer and enforce the immigration and nationality laws. In addition, section 214(a)(1) of the INA, 8 U.S.C. 1184(a)(1), provides the Secretary with authority to prescribe the time and conditions of nonimmigrants' admissions to the United States.

Alternatives:**Anticipated Costs and Benefits:**

DHS anticipates that there would be two primary impacts that DHS can estimate and quantify: the cost-savings accruing to forgone future filings by certain H-4 dependent spouses, and labor turnover costs that employers of H-4 workers could incur when their employees' EADs are terminated. Some U.S. workers would benefit from this proposed rule by having a better chance at obtaining jobs that some of the population of the H-4 workers currently hold, as the proposed rule would no longer allow H-4 workers to enter the labor market early.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	11/00/2018	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Organizations

Included in the Regulatory Plan: Yes

RIN Information URL: www.regulations.gov

RIN Data Printed in the FR: Yes

Related RINs: Related to 1615-AB92

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Government Levels Affected: None

Federalism: No

Public Comment URL: www.regulations.gov

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