

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-0305

March 20, 2018

Secretary Kirstjen Nielsen  
U.S. Department of Homeland Security  
301 7<sup>th</sup> Street SW  
Washington, D.C. 20528

Dear Secretary Nielsen,

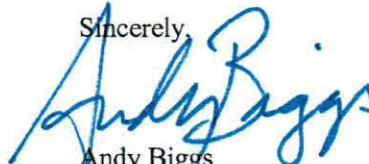
Recent reports have indicated the Department of Homeland Security (DHS) is considering rescinding a 2015 rule that allowed select H-4 visa holders in the United States as spouses of H-1B visa holders to apply for employment authorization in the United States.

Since implementation of the rule three years ago, more than 104,000 H-4 visas have been distributed. Many of these individuals are now able to contribute to both their households and the American economy. That said, President Trump's "Buy American and Hire American" initiative rightfully places a priority on protecting American workers and ensuring they have priority within the American labor market. I hope you will help me learn more about the impact this program has had on the American economy and American workers.

I respectfully request that you answer the following questions by April 20, 2018:

1. When will the proposed rule be made public?
2. What is the reasoning for repealing this rule? Have American workers been negatively impacted by its implementation?
3. Has DHS done a study on the economic impacts, positive or negative, of repealing this rule? If so, please share the study with me.
4. How many H-1B visas have been granted to married individuals since the 2015 rule was implemented?
5. Has there been an increase in H-1B visa holders applying for legal permanent resident status since the rule was implemented?
6. Please provide a breakdown of the types of jobs H-4 visa recipients are currently holding.
7. Please provide a breakdown of the location of employed H-4 visa recipients.
8. Rather than repealing the rule entirely, have there been discussions on putting safeguards within the program to limit any negative impacts on American workers?
9. Is DHS targeting work authorization for spouses of other visa categories? If not, why is the H-4 visa being targeted?
10. If the program is ultimately terminated, will individuals with employment authorization be allowed to continue working until their authorization expires, or will the authorization be immediately terminated?

Sincerely,



Andy Biggs  
Member of Congress

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SCANNED/RECEIVED  
BY ESEC SEC



U.S. Citizenship  
and Immigration  
Services

May 14, 2018

The Honorable Andy Biggs  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Biggs:

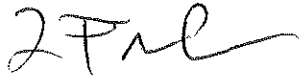
Thank you for your March 20, 2018 letter. Secretary Nielsen asked that I respond on her behalf.

The Department of Homeland Security (DHS) is committed to growing the U.S. economy and creating jobs for U.S. workers. In fact, pursuant to Executive Order (E.O.) 13788, issued on April 18, 2017, DHS is required to “propose new rules and issue new guidance, to supersede or revise previous rules and guidance if appropriate, to protect the interests of U.S. workers in the administration of our immigration system, including through the prevention of fraud or abuse.” *See* E.O. 13788, Buy American and Hire American, 82 Fed. Reg. 18,837 (Apr. 21, 2017). In accordance with this directive, DHS has announced its regulatory priorities in the Unified Agenda and has identified the 2015 rule that allows H-4 spouses of certain H-1B nonimmigrants to apply for employment authorization in the United States (2015 H-4 rule) as one it plans to revise. *See* [www.reginfo.gov/public/do/AgendaViewRule?pubId=201710&RIN=1615-AC15](http://www.reginfo.gov/public/do/AgendaViewRule?pubId=201710&RIN=1615-AC15).

In terms of your specific questions, including the timing, reasoning, and economic impacts of removing employment authorization provided under the 2015 H-4 rule, DHS plans to share those details in a proposed rule. Regarding your inquiries about the number of H-1B visas granted to certain individuals and whether there has been an increase in H-1B nonimmigrants applying for lawful permanent residence, we direct your attention to our website: [www.uscis.gov/legal-resources/buy-american-hire-american-putting-american-workers-first](http://www.uscis.gov/legal-resources/buy-american-hire-american-putting-american-workers-first). On that page, you will find frequently updated datasets about the hiring practices of employers who petition for foreign national workers, including H-1B nonimmigrants. As to your question about data for the types and locations of jobs H-4 nonimmigrants are holding, we note that once employment authorization is approved for an eligible H-4 spouse, that spouse may work for any employer or engage in self-employment without further approval from DHS. DHS does not have a mechanism to track the employment of these spouses and, therefore, we do not have such data. Finally, regarding your questions about our deliberative process, including the options we are considering, we welcome your feedback during the proposed rule’s comment period.

Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please have your staff contact the U.S. Citizenship and Immigration Services Office of Legislative Affairs at (202) 272-1940.

Respectfully,

A handwritten signature in black ink, appearing to read "L. Francis Cissna". The signature is fluid and cursive, with a long horizontal stroke at the end.

L. Francis Cissna  
Director