

# Congress of the United States

Washington, DC 20510

March 16, 2018

The Hon. Kristjen Nielsen, Secretary  
U.S. Department of Homeland Security  
3801 Nebraska Avenue, N.W.  
Washington, DC 20393

SCANNED/RECEIVED  
BY ESEC SEC  
2018 APR 17 PM 3:54

Dear Secretary Nielsen,

We write to express strong opposition to the Department of Homeland Security's (DHS) recent proposal to rescind work authorization for the spouses of H-1B visa holders. Prohibiting this category of mostly female immigrants from pursuing employment opportunities while they wait in the permanent residency backlog would seriously undermine the economic security and independence of these workers.

The current H-4 rule extends employment authorization eligibility to H-4 dependent spouses of H-1B workers seeking employment-based lawful permanent resident status. Given the growth in two-career couples both domestically and abroad, highly educated spouses of H-1B visa holders often choose to contribute to the economic wellbeing of their respective families and communities. Without the right to work outside of the home, this mostly female group of visa holders often have no choice but to give up their careers and perform unpaid domestic work for as long as their husband works in the United States.

The United States has a long tradition of welcoming immigrants and smoothing integration in our society through employment. Offering unparalleled job opportunities, men and women from every background and every corner of the world have risen to the peak of their professions, creating new businesses and growing existing companies with new energy and ideas. The success of this model is undeniable, and we should not reverse it by denying H-4 dependent spouse visa holders on the path to naturalization the opportunity to enter the labor market as soon as possible.

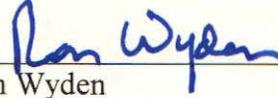
Prohibiting H-4 dependent spouse visa holders from employment is also problematic because it jeopardizes women's safety and independence by exacerbating the gender pay gap. While U.S. Citizenship and Immigration Services issued guidance in 2016 granting work authorization to abused spouses of H-1B visa holders under Section 814(c) of the Violence Against Women Act, victims must have proof of abuse, such as police reports, court records or reports from social service agencies. This stringent standard of evidence effectively discourages immigrants from pursuing domestic violence charges, especially since they are at greater risk of deportation the longer a case remains unresolved.

As you work to finalize rules implementing the Administration's regulatory priorities for this year, we urge DHS to reverse any plans to limit employment eligibility of the spouses of H1-B visa holders. Thank you for your consideration. We look forward to your response.

Sincerely,



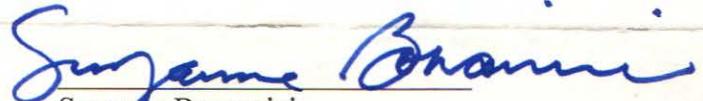
Jeffrey A. Merkley  
United States Senator



Ron Wyden  
United States Senator



Earl Blumenauer  
Member of Congress



Suzanne Bonamici  
Member of Congress



Kurt Schrader  
Member of Congress



U.S. Citizenship  
and Immigration  
Services

April 25, 2018

The Honorable Jeffrey A. Merkley  
United States Senate  
Washington, DC 20510

Dear Senator Merkley:

Thank you for your letter received on March 16, 2018. 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, 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 (April 18, 2017). The public will be given an opportunity to provide feedback during a notice and comment period on any revisions to regulations that DHS determines appropriate, including revisions relating to the rule providing employment authorization to certain H-4 nonimmigrants.

Thank you again for your letter and interest in this important issue. The co-signers of your letter will receive separate, identical responses. 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 "LFC", with a long horizontal flourish extending to the right.

L. Francis Cissna  
Director



U.S. Citizenship  
and Immigration  
Services

April 25, 2018

The Honorable Kurt Schrader  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Schrader:

Thank you for your letter received on March 16, 2018. 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, 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 (April 18, 2017). The public will be given an opportunity to provide feedback during a notice and comment period on any revisions to regulations that DHS determines appropriate, including revisions relating to the rule providing employment authorization to certain H-4 nonimmigrants.

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L. Francis Cissna  
Director



U.S. Citizenship  
and Immigration  
Services

April 25, 2018

The Honorable Ron Wyden  
United States Senate  
Washington, DC 20510

Dear Senator Wyden:

Thank you for your letter received on March 16, 2018. 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, 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 (April 18, 2017). The public will be given an opportunity to provide feedback during a notice and comment period on any revisions to regulations that DHS determines appropriate, including revisions relating to the rule providing employment authorization to certain H-4 nonimmigrants.

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L. Francis Cissna  
Director



U.S. Citizenship  
and Immigration  
Services

April 25, 2018

The Honorable Earl Blumenauer  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Blumenauer:

Thank you for your letter received on March 16, 2018. 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, 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 (April 18, 2017). The public will be given an opportunity to provide feedback during a notice and comment period on any revisions to regulations that DHS determines appropriate, including revisions relating to the rule providing employment authorization to certain H-4 nonimmigrants.

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L. Francis Cissna  
Director



U.S. Citizenship  
and Immigration  
Services

April 25, 2018

The Honorable Suzanne Bonamici  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Bonamici:

Thank you for your letter received on March 16, 2018. 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, 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 (April 18, 2017). The public will be given an opportunity to provide feedback during a notice and comment period on any revisions to regulations that DHS determines appropriate, including revisions relating to the rule providing employment authorization to certain H-4 nonimmigrants.

Thank you again for your letter and interest in this important issue. The co-signers of your letter will receive separate, identical responses. 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,

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L. Francis Cissna  
Director