

## Proposed H-4 EAD Rule Withdrawn for Review

Article By:

Michael H. Neifach

---

On January 25, 2021, the Biden administration withdrew from review the Trump administration's [proposed rule that would have rescinded the H-4 EAD program](#).

For close to five years, spouses of H-1B workers holding H-4 EADs have been living with uncertainty that their work authorization would be eliminated at any time. In addition to the Trump administration's proposed rule, [there has been ongoing litigation challenging H-4 work authorization](#).

Approximately 100,000 H-4 EAD holders (mostly women and mostly from India) have been concerned about their ability to continue to work. They and their families have often been hindered from moving forward with their lives in the United States due to the uncertainty. Vice President Kamala Harris, as a Senator, opposed the Trump administration's attempt to eliminate the rule. In 2019, [she wrote on Twitter](#):

"This is outrageous and will force immigrant women who are doctors, nurses, scientists and academic, among others, to abandon their professional careers. I called on DHS last year to withdraw this proposal and will continue to fight this."

Employers will no longer have to worry about business disruptions and creating "back-up" plans for valuable employees on EADs. Allowing spouses to work [also enables U.S. companies to compete more effectively](#) for high-skilled workers with other countries that allow spouses to work.

Reportedly, President Joe Biden's immigration reform proposal, among many other things, would authorize employment for spouses and children of all H-1B workers. The current EAD rule [authorizes only spouses of H-1B workers in the Green Card process to work](#).

Jackson Lewis P.C. © 2025

---

National Law Review, Volume XI, Number 28

Source URL: <https://natlawreview.com/article/proposed-h-4-ead-rule-withdrawn-review>