

DHS Settlement Expands Employment Authorization Benefits for L-2 and H-4 Spouses

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The U.S. Department of Homeland Security (DHS) [has agreed to a settlement](#) in the case of *Shergill, et al. v. Mayorkas*, resulting in important policy changes immediately affecting L-2 and H-4 visa holders' work authorization for the better. Prior to this settlement, those spouses of L-1 and H-1B visa holders possessing L-2 and H-4 visa status, respectively, had to wait for U.S. Citizenship & Immigration Services (USCIS) to approve an application for employment authorization (EAD) before they could work. With extensive USCIS backlogs in adjudications, this frequently meant L-2 and H-4 spousal EAD applicants suffering through lengthy periods without work authorization.

Under the terms of the DHS settlement, those foreign national spouses holding L-2 visa status immediately have the right to work "incident to status", meaning an application for an EAD is no longer required. They may begin working upon admission to the U.S. in L-2 status. H-4 spouses will still need to file an application for work authorization, but those who have previously been granted an Employment Authorization Document qualify for an automatic 6-month extension based upon a timely filed renewal application.

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