

# PUBLICATION

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## E and L Spouses Allowed To Work

**Authors: Robert C. Divine**

**January 31, 2002**

**The United States has enacted a new law allowing the spouse of an E-1, E-2, or L-1 nonimmigrant to obtain unrestricted work authorization.**

The spouse and unmarried children under age 21 can accompany someone who comes to the U.S. in nonimmigrant classifications (for instance, spouse of H-1B comes as H-4, spouse of L-1 becomes L-2). But normally the spouse and children in dependent status cannot work unless they separately obtain their own independent work authorizing status (i.e., changing to H-1B). Up to now, only the spouse of a J-1 exchange visitor could apply to work in the dependent status.

The spouse of an E-1 "treaty trader" also receives E-1 status. The spouse of an E-2 "treaty investor" receives E-2 status. The spouse of an L-1 "intra-company transferee" received L-2 status. As a result of this new law, E-1, E-2 and L-1 spouses can obtain a work authorization document from INS and use it to work in any jobs they can get. This adds a significant reason for a worker or investor with a choice to obtain E or L status, rather than some other classification like H-1B, when coming to the U.S.

The INS has not yet announced how the process of issuing work authorization documents will be handled. In the meantime, we believe it may be worth the risk of a \$100 filing fee (soon to be \$120) to go ahead and file a normal Form I-765 to see what happens. By the time the application reaches an INS examiner's desk, INS instructions may be in place.

This important development is a product of two legislative bills arising from the House of Representatives: HR 2277, which has become PL 107-124 (regarding E) and HR 2278, which has become PL 107-125.

## How We Can Help.

The Baker Donelson Immigration Team arranges short and long term immigration status for investors, trading companies, and international businesses (as well as all other types of immigration matters). As with all other clients, we also take care of their families' immigration status. Sometimes we arrange a family member's own work authorizing status. This new development allows us to meet the goals of spouses of E and L workers and investors while in the U.S. much more flexibly and inexpensively.