

# H-4 FAQs and Legal Resources

This resource provides general information about two USCIS forms and filing procedures for H-4 dependent benefits:

1. Form I-539 to change to or extend H-4 status; and
2. Form I-765 to apply for H-4 work authorization.

*This resource is intended for informational purposes only. It is not a substitute for legal advice for you and your family's specific circumstances. See pages 4-6 for guidance on how to seek advice from a qualified immigration attorney.*

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## WHEN CAN MY H-4 DEPENDENTS FILE THE I-539?

The H-4 application may be filed when your H-1B petition is received by USCIS. Please see the email from OIS that provided you with the link to this resource for further information.

## WHERE CAN I FIND FORM I-539?

You can find a fillable PDF of Form I-539 at <https://www.uscis.gov/i-539>

## WHERE CAN I FIND INSTRUCTIONS ON HOW TO COMPLETE FORM I-539?

Please see the USCIS instructions at <https://www.uscis.gov/sites/default/files/document/forms/i-539instr.pdf>

## SHOULD MY DEPENDENTS FILE THEIR I-539S ELECTRONICALLY OR BY MAIL?

**If there is just one dependent**, online filing is less expensive than filing by mail. See eligibility at: <https://www.uscis.gov/i539online>

- **Please note:** If your spouse wishes to file an application for H-4 work authorization at the same time as their I-539, they are required to file by mail. The work authorization application is not available online for H-4 applicants.

**If you have multiple dependents** who need to file applications, submitting the application by mail is less expensive, as you will be able to include all H-4 dependents on a single application with one filing fee.

- See the USCIS instructions regarding the use of form I-539A, which allows you to list all your H-4 dependents.

### WHAT IS THE I-539 FEE?

Please check the USCIS fee schedule for form I-539 and note the difference between paper filing and online filing: <https://www.uscis.gov/g-1055?form=i-539>

### IS MY SPOUSE ELIGIBLE TO APPLY FOR WORK AUTHORIZATION?

H-4 spouses (not children) are eligible for work authorization only if the H-1B principal:

- Has an approved Form I-140, or
- Is granted H-1B extensions under AC21 sections 106(a) and (b)

Contact OIS if you are uncertain.

### HOW DOES MY SPOUSE APPLY FOR WORK AUTHORIZATION?

Qualifying H-4 applicants file Form I-765 under category (c)(26).

- <https://www.uscis.gov/i-765>
- <https://www.uscis.gov/sites/default/files/document/forms/i-765instr.pdf>

I-765s can only be filed by mail. Check USCIS for updates: <https://www.uscis.gov/file-online/forms-available-to-file-online>

### WHAT DOCUMENTS NEED TO BE INCLUDED WITH THE I-539?

Please refer to the USCIS instructions:

<https://www.uscis.gov/sites/default/files/document/forms/i-539instr.pdf>

Generally, your dependents will be required to include:

- **Payment** of the I-539 fee
- **Receipt notice for your most recent H-1B filing**
- **Proof of relationship to you:** Marriage certificate (for spouse) or birth certificate (for children)
  - Certified English translations for any non-English documents.

- **Dependent's Identity and Immigration Status Documents:**
  - Valid passport (identification and expiration page(s))
  - Copy of visa stamp in passport
  - Most recent form I-94
  - Relevant immigration documents (e.g., F-2 I-20, J-2 DS-2019, prior H-4 I-797 approval notices)
- **Identity and Immigration Status Documentation of principal H-1B:**
  - Valid passport (identification and expiration page(s))
  - Copy of visa stamp in passport
  - Most recent form I-94
  - Relevant immigration documents (e.g., F-1 I-20, J-1 DS-2019, prior H-1B I-797 approval notices)
- If applicable:
  - Copy of I-612 waiver of two-year home residency requirement
  - Copy of documents related to permanent residency applications
  - Copy of previously issued EADs

### **WHAT DOCUMENTS NEED TO BE INCLUDED WITH THE I-765?**

Please refer to the USCIS instructions:

<https://www.uscis.gov/sites/default/files/document/forms/i-765instr.pdf>

### **WHAT IS THE I-765 FEE?**

Please check the USCIS fee schedule for form I-765 and note the difference between paper filing and online filing: <https://www.uscis.gov/g-1055?form=i-765>

### **HOW CAN I GET ADDITIONAL ASSISTANCE?**

H-4 dependent applications are not the University's application. OIS staff are unable to answer questions related to H-4 dependent applications. If you need assistance with these filings, please contact a qualified immigration attorney.

See the next pages for guidance on searching for an attorney and asking questions to help you choose, as well as a list of local organizations who offer immigration services for free or at low cost.

# IMMIGRATION LEGAL RESOURCES

UMB recognizes that some international students or scholars may have specific questions about their status that is beyond the expertise of UMB and campus officials. The following resources can help students and scholars find competent legal representation (sometimes at low or no cost):

**Do I Really Need a Lawyer?** - Before contacting a lawyer regarding an immigration issue,

- Speak with your OIS adviser to confirm that your questions are about immigration issues.
- Visit the US Citizenship and Immigration Service (USCIS) (<https://www.uscis.gov/>) website where you will find answers to many of your questions.

**How Do I Find the Name of a Lawyer? There are many ways to find lawyers:**

- Check the American Immigration Lawyers Association (AILA) <https://www.ailalawyer.com/> Immigration Lawyer Referral Service.
- Call your local bar association lawyer referral service. In Maryland, contact the [Maryland State Bar Association Referral Service](#).
- USCIS Find Legal Services Webpage: <http://www.uscis.gov/avoid-scams/find-legal-services>
- Board of Immigration Appeals (BIA) listing of attorneys who provide immigration services either free or for little cost: <http://www.justice.gov/eoir/probono/states.htm>
- National Immigration Legal Services Directory: <https://www.immigrationadvocates.org/legaldirectory/>
- Immigration Law Help - an online directory of nearly 1,000 free or low-cost nonprofit immigration legal services providers in all 50 states: <http://immigrationlawhelp.org/>

**How Do I Choose a Lawyer?**

- Before choosing a lawyer, call the offices of the lawyers on your list, briefly explain your legal problem and ask:
  - Are you specialized and/or experienced in my type of problem?
  - Do you charge a flat rate or hourly fee for this type of work?
  - Can you give me an estimate of the cost?
  - Can you estimate the amount of time it will take?

**Consider the following factors before agreeing to hire a lawyer:**

- Can you communicate effectively with the lawyer? Was the lawyer clear and easy to understand? Are the fees reasonable in comparison with other lawyers' charges?
- Did the lawyer clearly explain how she or he will keep you informed of progress in your case?
- If you are not satisfied with this lawyer, do not hire him or her. Look elsewhere for legal help.
- Before you finally sign a contract with a lawyer, read it carefully. Make sure you understand it.
- Everything you and the lawyer agreed to should be in writing.

## **PRIVATE ATTORNEY & IMMIGRATION SERVICES ORGANIZATIONS LIST**



***The following is a list of organizations who offer immigration services for free or at low cost.***

<b>Organizations</b>	<b>Service Area</b>	<b>Immigration Services</b>
Annapolis Immigration Justice Network (AIJN) (443)203-9175   info@aijnetwork.org	Anne Arundel County	Unaccompanied and separated children, families fleeing violence
Amica Center for Immigrant Rights (202) 201-3329	DC & Baltimore	Adults in detention centers and youth legal services
Ayuda DC:(202)387-4848  MD: (240)594-0600 VA: (703)444-7009	DC, Virginia, and Maryland	Free clinics for brief immigration advice and referrals – <b>call (202)787-5311 between 10am and 2pm.</b>
CARECEN (202 328-9799   info@carecendc.org	DC	Consultations
Catholic Charities of Baltimore (Esperanza Center) (667)600-2922   ilsinfo@carecendc.org	Baltimore	\$100, by appointment only for Maryland residents. Free for survivors of crime, domestic violence, sexual assault, and human trafficking.
Catholic Charities of Washington (667)600-2922   GetHelp@cc-dc.org	DC	Virtual consultations
Center for Help	Anne Arundel County	Lawyers offer free legal advice and referrals.
IOSC (410)323-8564   mary@ioscbaltimore.org	Baltimore	Wednesdays, \$90 immigration consultations. You must register between 9:30-11:30am.
KIND Baltimore:(443)470-9437   infobaltimore@supportkind.org	Baltimore	Minor children only
Organization of Hispanic Latin Americans (410)269-4421   info@ohlamd.org	Annapolis	On Thursdays, you can walk in between 9:00am-12pm; they provide free legal consultation and help with USCIS documents
Pro Bono Resource Center (667)899-5741	Baltimore	Consultas gratuitas para proceso en deportación.  Free consultations for removal proceedings

Tahirih Justice Center (410)999-1900   Baltimore@tahirih.org	Baltimore	Immigrant survivors that faced gender-based violence.
UMD SAFE Center (301) 314-7233   safecenter@umaryland.edu	Baltimore	Referrals and legal assistance such as U and T visas, asylum, SIJS, and VAWA
World Relief Baltimore Immigration Legal Clinic Text: (601)389-7535   Call: (410)244-0002 BISO@wr.org	Towson	\$85 Zoom and in-person consultations.



**The following is a list of trustworthy attorneys who offer immigration services for free or at low cost.  
You will need to talk to these lawyers about the cost.**

Himedes Chicas, Tamara Jezic: (240) 292-7200   <a href="http://www.jezicfirm.com">www.jezicfirm.com</a> , <a href="mailto:hchicas@jezicfirm.com">hchicas@jezicfirm.com</a>	Wheaton, MD
Cardona & Elliott, LLC: (301) 458-5603   <a href="mailto:mcardona@cardonaelliottlegal.com">mcardona@cardonaelliottlegal.com</a>	Laurel, MD
Ninan & Vibriesca Law, LLC: (301)531-4161   <a href="mailto:contact@nvimmigrationlaw.com">contact@nvimmigrationlaw.com</a>	Greenbelt, MD
Julia M. Toro Law Firm, LLC: (202)467-8340   <a href="mailto:info@torolawfirm.com">info@torolawfirm.com</a>	Washington, DC
Adam Crandell, Rachel Girod, Rachael Savage: (443)559-4384   <a href="https://www.mymdlegal.com/">https://www.mymdlegal.com/</a> , <a href="mailto:adam@mymdlegal.com">adam@mymdlegal.com</a>	Baltimore, MD
Kate Stenlake: (410) 881-3821   <a href="mailto:kate@stenlakelawoffice.com">kate@stenlakelawoffice.com</a>	Baltimore, MD
Hayley Tamburello: 973-970-8111 / <a href="http://www.htimmigrationlaw.com">www.htimmigrationlaw.com</a>	Baltimore, MD
Timothy Woods, LLC: 410-456 2568 / <a href="http://www.woodsimmigration.com">http://www.woodsimmigration.com</a>	Baltimore, MD
José Perez: 301-980-1787 / <a href="http://www.josemperezlaw.com">www.josemperezlaw.com</a>	Frederick, MD
Lucelia R. Justiniano: (301) 580-3346 / <a href="mailto:Lucelia@justimlaw.com">Lucelia@justimlaw.com</a>	Frederick, MD
Sara Movahed, Calvin Fisher: 301-694-6400 / <a href="https://www.movahedfisher.com">https://www.movahedfisher.com</a>	Frederick, MD
Emily Leffler, Lauren Wilhelm, Rebecca Swaintek-Green: (410) 883-9157 / <a href="https://www.raygriffithlaw.com/">https://www.raygriffithlaw.com/</a>	Baltimore, MD
Ricardo Murga: 301-658-7408 / <a href="https://www.salvadolaw.com/">https://www.salvadolaw.com/</a>	Rockville, MD
Alison Brown: 301-891-6980 / <a href="http://www.alisonbrownlaw.com/">http://www.alisonbrownlaw.com/</a>	Takoma Park, MD
Mark Shmueli: 301-270-2640 / <a href="http://www.markshmuelilaw.com">www.markshmuelilaw.com</a>	Takoma Park, MD
Christina Wilkes: 301-576-0491 / <a href="http://www.wilkeslegal.com">www.wilkeslegal.com</a>	Takoma Park, MD
Sandra Grossman: 240-403-0913 / <a href="http://grossmanyoun.com/">http://grossmanyoun.com/</a>	Bethesda, MD
Todd Pilcher: (202) 328-1352 / <a href="http://www.dzubowlaw.com/team/pilcher.htm">www.dzubowlaw.com/team/pilcher.htm</a>	Washington, DC
Ava Benach: 202-644-8600 / <a href="https://bprimmigration.com/">https://bprimmigration.com/</a>	Washington, DC
Julie Soininen : 703-820-0550 / <a href="http://montagutandsobrallaw.com">http://montagutandsobrallaw.com</a>	Falls Church, VA
Wing Cho “Christy” Chim: 443-923-7000 / <a href="mailto:win@beatdeportation.com">win@beatdeportation.com</a>	Baltimore, MD