

Dependents

Overview

The legally married spouse and unmarried children under the age of 21 of primary immigration status (e.g. H-1B) holders normally qualify for a dependent immigration status such as H-4, TD, E-3D or O-3. Generally, individuals in a dependent status may remain in the U.S. for the same period as their main status holders, provided the proper extensions requests are filed with USCIS in those instances where the primary status holder receives an extension.

Work and Study

- Individuals in H-4, TD and O-3 status may study but may not work.
- [Some individuals in H-4 status](#) [1] may apply for an Employment Authorization Document (EAD) by filing a [Form I-765](#) [2] with USCIS, based on a pending [green card application](#) [3].
- Individuals in E-3D status may study and spouses in E-3D status may also work, provided they first apply for and obtain an EAD by filing a [Form I-765](#) [2] with USCIS.

Obtaining and Extending a Dependent Visa or Status

Dependents who are currently abroad should apply for their dependent visa on the basis of the primary status holder's status documents and proof of their relationship (e.g. marriage and/or birth certificate). Canadian citizens are exempt from the visa requirement but should be prepared to document their relationship to the main status holder at the border. If they are currently in the U.S. in a different immigration status, a change of immigration status will need to be filed on their behalf. This is done by filing a [Form I-539](#) [4] with USCIS. As a courtesy, the IC will send this form together with the main status holder's petition in cases where such a petition is filed, such as extension petitions. If the change of status for the dependents must be filed at a separate time, the dependents must file the I-539 independently. The current filing fee can be found at the link above. If the dependents are currently abroad, no I-539 will be necessary.

Source URL: <https://internationalcenter.umich.edu/fsis/dependents>

Links

[1] <https://internationalcenter.umich.edu/fsis/h1b>

[2] <https://www.uscis.gov/i-765>

[3] <https://internationalcenter.umich.edu/fsis/pr>

[4] <https://www.uscis.gov/i-539>