

Spouses on H4 visas stuck in India following Trump's ban

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Trump's visa suspension has left the fate of spouses of H1B visa holders hanging in the balance.

By

Priyanka Sangani

, ET Bureau |

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Shivani* -- who has been living in suburban Connecticut (US) for the last seven years with her software engineer husband and a pet -- recently got an extension for her H-4 dependent visa, which needs to be stamped by the local US consulate when she travels outside the US, before being allowed back.

“This time, when I came to India, I had an appointment, but then all this happened,” she said.

Shivani was referring to the closure of the US embassy and consulates across India due to the Covid-19 outbreak, which meant she could not get her passport stamped.

US President Donald Trump's decision on Monday to suspend certain non-immigrant visa issuances till December 31 has further added to Shivani's misery.

As per the US president's proclamation, H-4 visa holders who do not have a valid visa stamped on their passports as of June 24 are not allowed to enter the country till year end.

The move has resulted in hundreds of families facing the prospect of being separated for a further six months.

Shivani is not the only one facing this dilemma.



All the affected ones said they were hoping that the US administration would alter this proclamation and allow them to return home soon.

Radhika* and her four-year-old child, who came to Kolkata to meet family earlier this year, have been similarly stranded.

“I’ve been in the US since 2010, first on an L2 and now H4. I have an approved I-797 (a form used by the US immigration agency to communicate with visa applicants) and just needed the stamp,” she said.

Radhika’s biggest concern is the toll the situation is taking on her child, who is missing his father and will have to skip school as well this year.

Several immigration lawyers have called out the Trump administration for his decision to include dependants of H-1B and L-1 visa holders, who are on H-4 and L-2 visas.

“It is incomprehensible how keeping a spouse outside the United States protects US jobs... In that case, you could have suspended their work authorisation. That smacks of political ransom rather than policy,” said Rajiv S Khanna, managing attorney at immigration law firm, Immigration.com.

Dependants on H-4 and L-2 visas are legally not allowed to work and restricting their entry would not impact unemployment levels, he added.

Spouses on an H-4 visa can apply for an Employment Authorisation Document (H-4EAD), but this has been left untouched by the current proclamation.

Some US-based lawyers have started compiling lists of people affected by the order and will challenge it legally.

New Delhi’s Aparna* is among those who are relying on these likely lawsuits to help with the situation.

“I spent 18 days with my husband after we got married, but because I was still serving my notice period, I stayed on in India and didn’t go back with him,” she said.

Similarly, Disha*, who is stranded in Hyderabad, recently received a notice to submit her passport to get the H4 visa stamped but could not do so because embassies were shut. Her husband, who works with Microsoft, is currently in the US.

“Even after the consulates open and I get my stamp, I will still not be able to travel till the end of the year. There are several of us in this situation who are suffering from being separated from our families,” she said.

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(*all names have been changed on request)

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