

Global Immigration alert

January 2025

United States

Settlement agreement mandating bundling the adjudication of I-539 and I-765 applications filed by H-4 and L-2 spouses sunsets

Executive summary

Effective 18 January 2025, the settlement agreement reached in *Edakunni, et al. v. Mayorkas, No. 21-cv-393-TL (W.D. Wash.)* has expired. This signifies that U. S. Citizenship and Immigration Services (USCIS) will no longer be required to simultaneously adjudicate Form I-539, Application to Change or Extend Status, and Form I-765, Application for Employment Authorization, applications submitted by H-4 and L-2 visa holders with their spouse's H-1B and L-1 petitions.

While the expiration of this agreement does not require that USCIS discontinue bundling adjudication of these case types, it is reasonable to expect that the agency will do so.

Background and analysis

On 20 January 2023, the Department of Homeland Security entered into a settlement agreement with spouses of H-1B and L-1 workers. The spouses argued that their I-539 and I-765 applications were pending with USCIS for significantly harmful times, resulting in unlawfully delayed adjudications.

Under the settlement, USCIS agreed to resume bundling the adjudication of I-539 and I-765 applications filed by H-4 and L-2 dependents along with the underlying Form I-129, Petition for a Nonimmigrant Worker, when properly filed together, regardless of whether they are submitted under standard or premium processing. The "unbundling" had occurred as a result of a policy during the first Trump administration to require biometrics for dependent applications such that it was not possible to adjudicate these applications at the same time as the underlying I-129,

particularly if the petition was filed with a request for premium processing service.

After being in effect for two years, the settlement expired on 18 January 2025.

What this means

It is unclear whether USCIS will continue to adjudicate bundled applications concurrently as it is no longer obligated to do so. Therefore, H-4 and L-2 dependents should prepare for the potential return of longer processing times, as previously experienced.

We will continue to monitor and review future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional or Mehlman Jacobs LLP professional.

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