

## DHS Issues Updates on E and L Derivative Spouse Admission Codes as Evidence of Work Authorization Incident to Status



By [Nisha V. Fontaine \(Jagtiani\)](#)

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After months of waiting for guidance from the U.S. Dept. of Homeland Security for additional guidance on updated I-94's to evidence that L-2 and E-2 Spouses are authorized to work incident to status, CBP has recently announced the below changes.

### **What are the new I-94 codes for admission for E and L derivatives?**

AILA's CBP Liaison Committee has received updated information from Systems Enforcement Analysis and Review (SEAR). SEAR confirmed that the implementation of the new Codes of Admission went live on January 31, 2022.

As of this date, no dependent of an E or L visa can be admitted without the proper new category code:

E-1S – Spouse of E-1

E-1Y – Child of E-1  
E-2S – Spouse of E-2  
E-2Y – Child of E-2  
E-3S – Spouse of E-3  
E-3Y – Child of E-3  
L-2S – Spouse of L-1A or B  
L-2Y – Child of L-1A or B

### **Where do I find my class of admission?**

You can find your Class of Admission on your I-94. You can retrieve your I-94 online [here](#) by entering in your passport information. Below is an example of an I-94, issued prior to this new change.

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### **What if I entered *before* January 31, 2022? How do I obtain a new I-94 with the updated code?**

You will need to depart and re-enter the U.S. with your valid visa in order to request the amended I-94. (Please be sure to request the amended I-94 during inspection and then check online that it was properly issued *before* leaving CBP.) CBP has indicated that the I-94's cannot be updated at CBP Deferred Inspection sites.

### **What if I entered *after* January 31, 2022 and my I-94 was not properly issued with the new updated code?**

In this case, you should be able to contact CBP Deferred Inspection Site and request the correction. However, you still have the option of departing and re-entering the U.S. as well.

### **What if I have an internal Change of Status or Extension of Status pending with a request for a new I-94?**

For those applications adjudicated after January 31, 2022, USCIS should annotate the I-94 with the appropriate new class of admission as well.

### **What documents should I carry with me when I depart and re-enter the U.S.?**

While this will be specific to individual circumstances, most individuals will generally need to present their valid passport, valid visa, and proof of the Principal Applicant's L-1 approval. They should also plan on traveling with evidence of the familial relationship to the Principal Applicant to confirm the qualifying relationship (i.e. marriage certificate for spouses, and if applicable, an English translation).

### **How does the amended I-94 evidence employment authorization for I-9 purposes?**

The *amended* I-94 should be considered an acceptable List C document under the "Employment Authorization Document issued by the Dept. of Homeland Security". USCIS' I-9 Central states: "*Some employment authorization documents issued by DHS include but are not limited to Form I-94 Arrival/Departure Record issued to ....work-authorized nonimmigrants (for example, H-1B nonimmigrants), because of their immigration status.*" Since USCIS is now recognizing that E and L spouses are authorized to work incident to status, this valid I-94 would be considered valid for work authorization.

Please check back frequently on this blog for updates, or reach out to any member of the Lippes Mathias [Immigration Team](#), for specific inquiries.

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**Nisha V. Fontaine  
(Jagtiani)**  
Partner



**Elizabeth M. Klarin**  
Partner



**Eileen M. Martin**  
Partner | Team Co-  
Leader - Immigration  
| Team Leader -  
Canada-U.S. Cross  
Border



**Andrew M. Wilson**  
Partner | Chief  
Advisory Officer |  
Team Co-Leader -  
Immigration

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