Article: Unemployed by Design: ‘Migrated Indian Wives’ and Deterring Immigration Laws in the U.S.

Author(s): Tasha Agarwal


Published by: Indian Sociological Society
Unemployed by Design: ‘Migrated Indian Wives’ and Deterring Immigration Laws in the U.S.

--- Tasha Agarwal

Abstract

In India, a large number of women travel to different parts of the world post marriage. The experience of such international migration, for the spouse migrant, is to a large extent dependent on the immigration policies of the destination countries, here USA. The immigration policies, like any other policies of the nation, are embedded in the socio-psychological and cultural norms of the state. This sets the tone for defining the criteria of identifying ‘spouse’ and defining their experience of being in the destination country. Taking the particular case of women on H4 visa, based on primary data collected through telephonic interviews with thirty women with H4 visa, the paper concludes that by the design of immigration policies, the women are forced out of labour market and the state redefines their role which is confined to the domestic space, hence impacting their lived experiences.

Key words: H4 visa, Immigration, Labour market, Law, Women

Introduction

Marriage migration has often been contested in policy discourse of various countries, where some countries such as Malaysia, Germany, etc., do not allow family integration, and hence restrict marriage migration of spouses. However, some other countries such as the USA, UK, Australia, and some European countries often allow the spouses of a citizen for family integration, hence allowing permanent settlement of spouses following marriage migration. The policymakers in different countries often use marriage migration as a policy tool in order to manage the flow of migrants. The often-cited reasons for not allowing spouse migration in some countries is to discourage permanent settlement, reduce the burden on the government’s resources which would have to be spent on dependent members of the family, maintain ethnic homogeneity in the society, and so on.
Spouses, mostly women, are the ones who are most affected by such policies which discourages family integration. In a scenario of transnational marriages, where two countries are involved, the role of the respective government becomes all-pervasive to manage or create platforms that can minimise the vulnerability of the individual. Gender inequality being deeply rooted in India’s social and cultural practices, the role of government becomes even more critical to facilitate a conducive ground for females to make such long-distance travel away from family.

As per the immigration laws of many developed countries such as the US, the spouses are welcomed in the destination country only by beholding ‘dependent’ status. The dependent status carries a set of nuances that completely redefines how a spouse, primarily women, is supposed to live in a destination country. Hence, through its immigration laws, the state reinforces the already deeply rooted gender inequality into a further deeper level with a higher magnitude of vulnerability. It is a dual vulnerability in which women position her. First, as being spatially distanced into a new place with a new set of rules and regulations which takes years to understand and adjust into, and secondly, to dwell into the same old social practices which predefined roles and responsibilities of women of being confined to the domestic space; all these being reinforced by law.

These women are mostly unaware or unprepared for the *packaged roles* designed for them. Hence the problem arises when these women travel on dependent visas after marriage. There have been many instances where these women who hold high academic qualifications and equivalent work experience are confined to remain out of the workforce because the immigration law restricts them. It dramatically impacts their career aspirations and adds to their economic vulnerability in the destination country. The inability to join the labour force is also associated with losing confidence, impinging upon their identity and belongingness. Because of the dependent visa’s vulnerability, Banerjee (2012) has used the term *vegetable visa* as synonyms for dependent visa.

This paper will look into such immigration laws and how it impacts the experiences of spouse migrants and their daily lives. The paper is divided into four sections. The following section discusses the understanding of the legally sanctioned marriage as per the United States Citizenship and Immigration Services (USCIS), which is framed predominantly on the Hindu upper caste cultures and norms. Thereafter, the next section discusses how the idea of control
and coverture penetrates from the personal law in the US to the immigration laws concerning foreign nationals. With this understanding of the laws about marriage in the US, the section that follows discusses the specific visa, i.e. H4 visa, which is the subject of the study, and through this visa, we try to understand how law permeates control. The last section presents anecdotal evidence on the experiences of the women on H4 visas and the psychological and social impact of the same.

**Understanding ‘Spouse’ in US immigration**

Immigration laws, like any other laws, are embedded in the socio-psychological and cultural norms of the state. This sets the tone for defining the criteria for identifying the law’s subject, here ‘spouse’. The laws on immigration are even more complicated as there are other nations involved, and hence the criteria for identifying ‘spouse’ are not just based on a common interpretation of the term in the destination country but also on those recognised in the country of origin. Therefore, any symbolic identity markers, symbolising marriage as per the cultural norms of the origin country, are adopted as the norms for authenticating the real marriages as against fraudulent cases.

The problem arises when the marriages take place beyond the conventional norms of the society, thereby facing difficulty to authenticate the same for immigration purposes. For example, same-sex marriages were not acceptable in the immigration laws granting the spouse visa until 2013. Till 2013, the Defense of Marriage Act (DOMA) of 1996 defined the institution of marriage and the legal definition of ‘spouse’ and ‘marriage’. This act emphasised the usage of the term ‘marriage’ and ‘spouse’ to imply only the opposite sex. The law states ‘the word “marriage” means only a legal union between one man and one woman as husband and wife, and the word “spouse” refers only to a person of the opposite sex who is a husband or a wife’ (Cornell Law School, 2020).

In 2013, the case of *United States v. Windsor* challenged such narrowly defined terminology of marriage as a result of which Section 3 of the Defense of Marriage Act, which emphasised the usage of the term ‘marriage’ and ‘spouse’ to imply opposite sex, was declared unconstitutional, declaring same-sex marriage as a valid marriage based on the place-of-celebration rule (USCIS, 2021; Cornell Law School, 2020).
Apart from the socio-cultural aspect determining the state’s policy, the state is also governed by the power hierarchy where the destination country’s laws are still considered supreme. Even though the immigration service predominantly emphasises the place of celebration rule to validate a marriage, it does have a specific set of criteria that is considered unacceptable as per the state’s law. Therefore, in a scenario where the place of celebration rules and the US admission criteria clash, those in sync with the US criteria are deemed applicable (Calvo, 2004).

According to USCIS (2021), a marriage is not considered as valid in the following scenario, even if it is valid in the place of celebration:

- Polygamous marriage
- Civil unions, domestic partnerships, or other such relationships are not recognised as marriages in the place of celebration
- Relationships where one party is not present during the marriage ceremony (proxy marriages) unless the marriage has been consummated
- Certain marriages that violate the firm public policy of the state of residence of the couple

Thus ideally, as per US immigration laws, the spouse is considered as those who are monogamous, not incestuous and are in a legally sanctioned relationship (Calvo, 2004).

**Transcending the Idea of ‘Control’ from Personal Law to Immigration Laws**

Historically, immigration in the US had been predominantly female, which derives disproportionately from women being a significant component of family migration (Fitzpatrick, 1997). Even after a decade, spouse migrants to the US continue to be predominantly female (Balgamwalla, 2014; Calvo, 2004). Therefore, any laws concerning spouse migration directly impact women.

Different studies have discussed the nature of US immigration laws, which ignores the gendered aspect of policy domains and how it has an unequal impact on different groups of people (Olivares, 2015; Banerjee, 2012; Manohar, 2009). It is believed that by making immigration laws gender-neutral, the lawmakers are doing more harm because the structural constraints faced by women already
delimit their capacity to a large extent. Therefore, immigration laws ought to be gender-sensitive rather than gender-neutral. In the words of Fitzpatrick,

...Gender is an organising principle, not a simple variable, immigration, and the experience of the United States as a receiving state is no exception to this pattern... (1997, pp. 24-25)

The immigration laws concerning spouse migrant or dependent migrant is one such policy tool that leads to the production of power hierarchy and concentration of dependent migrants by the principal visa holder. Even though the visibility of females has increased over the years, it has not transcended down to the immigration laws to address the specific need, concerns and risks of the female immigrants (Fitzpatrick, 1997). The immigration laws, which allege to establish coverture, ultimately lead to the chastisement of women by their husbands (Calvo, 2004).

Coverture is defined as a legal arrangement where post marriage, the existence of women are incorporated and consolidated with that of the husband. A woman is not considered to have an existence of their own, and their identity is wholly based on the existence of their husband. This kind of arrangement is further facilitated by state law, where the woman is under the ‘cover’ of the husband (Ballgamwala, 2014). In the words of Calvo,

Coverture is a legal notion that husband and wife are one, and the one is the husband. (2004, p. 160)

Coverture entitles a husband to have an ownership right over his wife, including the movable and immovable property owned by her. A social contract implies disciplining the wife to obey her husband after marriage, and the law enables the husband to file suit against her. However, a similar right to file suit against the husband is not available to a woman. Children born out of such marriages are also considered to be belonging to the husband, and as per law, the mother has no right whatsoever (Calvo, 2004). This has been a part of the familial discourse in the US, where marital law and social norms played a vital role in subordinating women’s position in society.

Until the late 19th century, coverture was socially and legally acceptable, where the husband had the legal right to chastisement (Siegel, 1995). Any corporal
punishment to discipline the wife was deemed acceptable unless it does not leave permanent physical damage to the person. Later with feminist uproar concerning changes in marital and family laws, the laws regarding chastisement were repudiated. However, it was replaced by other new forms of control wherein the cases concerning domestic violence were veiled under the concept of ‘family privacy’ aimed towards the promotion of ‘domestic harmony’ (Siegel, 1995). Siegel calls such an attempt towards the maintenance of the status quo as ‘preservation through transformation’. She describes:

…When the legitimacy of a status regime is successfully contested, lawmakers and jurists will both cede and defend status privileges - gradually relinquishing the original rules and justificatory rhetoric of the contested regime and finding new rules and reasons to protect such status privileges as they choose to defend. (1995, p. 2119)

The immigration laws concerning family migration, in general, and spouse migration, in particular, seems to be transcending from the family laws governing US citizens. Hence, the regulations on wives imposed by the family law are pretty evident in the immigration policies regulating the dependents of the principal visa holder, right from the inception (Zaher, 2002). Citizenship was always considered a male domain, so much so that before World War II, married women often travelled on their husband’s passports (Ballgamwala, 2014). Thus, females were often assumed to be carrying the citizenship of that of their husband. The immigration laws governing families in the 1920s gave male citizens and male permanent residents the legal right over the immigration status of their wives. However, the same was not available to females, i.e. a female citizen or female permanent resident could not have legal rights over her foreign-born husband. The immigration laws of 1952 rectified the gender-biased language adopted in its policy document, thereby correcting the gender differentiation in its functioning. However, the subsequent immigration law of 1965, though not explicit in terms of gender-biased language, but implicitly reinforced their idea of coverture through their visa policies concerning principal visa holders and their dependents; where the principal visa holders are predominantly male while their dependents are predominantly female (Ballgamwala, 2014). This has been made possible through specific sets of rights for the principal visa holders and restrictions for the dependents.
Such an idea of control commences with controlling their participation in the labour market, thereby curtailing their economic independence. As per USCIS, the H4 visa holders are not authorised to participate in the labour market. This policy automatically creates a filter for the entry of thousands of women into the labour market. Most of the women who travel to the US on H4 visas are highly qualified with degrees in medicine, engineering, law, architecture and work experience of working in leading companies in India before migrating to the US on an H4 visa. Their academic degree and work experience make them equally skilled to participate in the labour market. However, with restrictive policy, they are confined at home and are dependent on their partner. However, this has been severely critiqued on the ground that females are always at work. It can be any one of the three cases – ‘paid or recognised’ or ‘paid but non-recognised’, i.e. kept off the records, or ‘unpaid and unrecognised’. In any of these cases, the women are always at work. Therefore the ‘dependency’ may not be real and absolute as the westernised understanding of ‘dependent’ is concerned (Morokvasic, 1984).

About H4 Visa

H4 visas, also known as dependent visas, are provided to the spouses and children of H-visa holders; this may include H1B, H2A and H2B. Since both H2A and H2B are seasonal, it does not generally lead to the migration of the family members. Therefore, most of the H4 visas are allotted to the family of H1B visa holders. H4 visa holders can move to the US only when the H1B visa holder has got his/her visa approved. Therefore, the entry in the US and their continuity of being in the US is contingent on their primary visa holders, i.e. H1B. The validity to stay in the US for the H1B visa holders is two terms of three years each, i.e. six years in total. After six years, if the employer considers the H1B employee an asset for the organisation, they can apply for the Green Card. Simultaneously, for those on H4 visas, if they are willing to receive the work authorisation, H4 EAD will also be filed for the upgradation of status.

Under the presidency of Obama, the US administration brought changes in the H4 visa to include the H4 EAD category in order to facilitate the participation of women in the labour market. In order to upgrade from H4 to H4 EAD category, one must have spent at least six years working in the USA and must be holding an approved I-140 petition. Once the Green Card application has been filed, it permits them to extend their stay for a year, renewed every year until the Green
Card is issued. If the H1B holder runs out of status during the process, then both H1B and their corresponding H4 visa holder need to leave the country.

The issuance of H4 visas by the US has increased considerably over the last few decades (See Fig. 1). The majority of these visas are allotted to dependents from India, China and Mexico. As per the Department of Homeland Security (DHS), 80-90 per cent of the H4 visas are allocated to Indians (Bier, 2020). Thus, Indians form a significant chunk of the group receiving the H4 visa from the US. For those applying for H4 EAD in the last five years, 91 per cent are Indian nationals (Bier, 2020). Most women applying for the H4 visas are highly educated with adequate work experiences in diverse fields (Banerjee, 2012).

*Figure 1: Number of H4 visas allotted by the US in different years*

![Graph showing the number of H4 visas allotted by the US in different years.](image)

_Source: Department of Homeland Security (different years)_

Of the thirty women interviewed, all women had higher education with work experience of at least a year before moving to the US (Table 1 & 2). Most of these women were engineers and had qualifications equivalent to their husbands. These women are already the ones who can be considered ‘skilled’ workers; however, by the design of the immigration laws, these women are barred from entering the labour market.
TABLE 1: EDUCATIONAL QUALIFICATION OF THE RESPONDENTS

<table>
<thead>
<tr>
<th>Educational Qualification</th>
<th>Number of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Graduate (B. Tech/B.Com/BBA/BA)</td>
<td>17</td>
</tr>
<tr>
<td>Post Graduate (M. Tech/M. Com/MBA/MA)</td>
<td>8</td>
</tr>
<tr>
<td>MPhil/PhD</td>
<td>2</td>
</tr>
<tr>
<td>Other Professional Degrees</td>
<td>3</td>
</tr>
</tbody>
</table>

TABLE 2: WORK EXPERIENCE OF THE RESPONDENTS

<table>
<thead>
<tr>
<th>Work Experience (in Years)</th>
<th>Number of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-1</td>
<td>4</td>
</tr>
<tr>
<td>1-2</td>
<td>7</td>
</tr>
<tr>
<td>2-5</td>
<td>11</td>
</tr>
<tr>
<td>5+</td>
<td>8</td>
</tr>
</tbody>
</table>

Few researches have studied the economic contribution of those individuals who have received their H4 EAD visa and their labour market contributions. As per research conducted by Brannon and McGee (2019) on the cost-benefit analysis of repealing the H4 EAD, it was brought out that the H4 holders are highly employable and contribute substantially to the US economy. According to their estimate, approximately 75 per cent of all people who applied for work authorisation are employed and contribute approximately $5.5 billion annually to the US economy. The median wage offered to the H1B and H4 EAD visa holders show just a slight variation, with the median wage being $113,022 for H1B and $111,632 for H4 visa holders (Bier, 2020). Hence, it is well established that the H4 visa holders are also among the highly skilled individuals to contribute equally to the US economy. Had these H4 visa holders not have to wait for at least six long years for the work authorisation, they would have been able to join the labour force much before they did.
Dependence by Structure: Experiences of Indian Wives

Despite being educated, skilled and experienced, these women are out of the labour force primarily because of the intersection of the regressive policy of the state and the social norms of Indian society. The patrilocal norms of the Indian marriage system generate a structure where the women are expected to shift their residence to their husband’s place, and any deviation from the same is deemed unacceptable. In such a scenario, even though a woman might be willing to wait for her H1B visa, there are lots of precarity involved. Women often find themselves trapped in providing the exact timeline of the ‘waiting period’, and hence, there is always a covert pressure to move to the US along with the husband.

The delimitations imposed by the US immigration laws significantly impact an individual’s experiences moving on a dependent visa. When these women move on H4 visas, they often have a different experience to offer, providing heterogeneity to the much-celebrated homogeneous notion of the American Dream.

One of the significant dependencies created by this visa is that of economic dependency. A woman losing her financial independence and being utterly dependent on her husband for every single need has been one of the significant drawbacks discussed at length by the respondents.

Shruti (pseudonym), 28 years old, moved to the US after her marriage in 2016. Since the husband was already on an H1B visa in the US for the last few years, she received her H4 EAD a bit early, i.e. in 2019. Before she migrated to the US, she thought H4 visa holders could participate in the labour market, only to find out later that H4 visa holders cannot work. By profession, she is an engineer and was working with a reputed MNC in Bangalore. She describes her experience of moving to the US on H4, with no provision of engaging in the labour market, as:

*I did not work for one year. So until January 2017 from January 2016, I was not doing anything. And I was going literally mad because in India I used to work from morning till evening. I used to be in the office. I then realised that I do not have any good hobbies and was going literally mad and really desperate to get a job. (Interview conducted on October 17, 2020)*
Nandita (pseudonym), 34 years old, a Ph.D. holder from the University of Delhi discusses her experience as:

...after I came here for one week, I was just crying about why I had come here because there was nobody to talk to. My husband would leave in the morning and come back at night. I was alone the entire day with nothing to do. It was just me and the household chores. This was not something that I signed up to. Household chores have never been my thing. And here I am in the US handling the household chores. From outside it might look all fancy that I am in the US but here I know how it feels to stay without work and identity...What am I supposed to do with my PhD degree then? (Interview conducted on February 16, 2021)

Medhavi (pseudonym), 31 years old, discussed how this forceful unemployment has impacted her not just financially, but also socially and psychologically. She got married after seven years of relationship with her husband. Even though she knew her husband pretty well before marriage, the dissatisfaction and frustration with economic dependence perpetuated down to her family life, impacting her marriage:

We both finished our studies together and worked as software engineers in different MNCs in Mumbai before he (husband) received his H1B visa and moved to the US. Initially it was all good when we were busy with our curiosity of a new place...Slowly, when you are more settled, you tend to reflect on what are you up to...I started questioning myself about everything. I started feeling impatient, losing all the confidence and hope. I used to be angry and frustrated most of the time. I just wanted to work. That’s it...I wanted to go back to India, but he had a better job here. So I couldn’t even force him, but I was losing myself too...Finally, it came down to the point where we thought of getting a divorce. I even went back to India to stay there for a few months. (Interview conducted on July 09, 2020)

In order to utilise their time more efficiently, it was often seen that these women would resort to exploring the alternatives to keep themselves updated and productive, which is often aimed towards future employment prospects. Many of
the women were seen to be engaging in unpaid freelancing work, volunteering with NGOs, pursuing higher education, or pursuing their hobby until they received their work permit.

There were few who went for higher education to increase their probability of employment in future. One of the defining factors for joining higher education institute in the US, apart from self-motivation, has been the support from the husband and the in-laws. Women often carry the baggage of social and cultural norms from the country of origin and often, the in-laws in India try to exercise control over the women in the destination country.

Bhavana (pseudonym), 34 years old, discussed her life in India, where she used to work in XYZ Company and then moved to the US after marriage. She plans to raise a family and take care of the kids in the coming year. She initially mentioned her lack of interest in higher education or work permit, but on further probing, she mentioned:

...See with pursuing higher education, there is some problem. My husband and I, we both are engineers. We both have done B. Tech. If I go for M. Tech, I will be the one with higher qualifications. My mother-in-law does not want this. My husband supports me, but we don’t want to upset her...So we haven’t thought about the work permit thing. Anyways I will have to take care of the kids. (Interview conducted on February 18, 2021)

Those women who are willing to build a career ahead often find themselves positioned in the strange amalgamation of the restrictive state laws and the regressive social norms which transcends the geographical borders.

Even after one receives their H4 EAD, i.e. work authorisation, the recognition of such work authorisation in the labour market adds to the existing barrier. The employers are seen to be apprehensive about the work authorisation associated with an H4 visa, as an H4 visa is popularly understood as a dependent visa where one cannot work. This apprehension stems from the changes which are very recent, i.e. it was only in 2015 that amendments in the H4 visa were made and the provision of a work permit was granted to the H4 visa holders fulfilling specific criteria. Thus, many employers are not yet aware of such changes. Secondly, the volatility associated with the H4 visa; with the change of government in 2017,
there was a fear dwindling on the work permit of H4 visa holders. With frequent public discussions happening around immigration laws in general and a growing possibility towards the removal of work permits of the dependent visa holders, there was a lot of confusion and apprehensions surrounding the legality of the work permit of H4 visa holders and the possibility of continuity of such work permit in the then on-going political climate. All these deeply impacted the women, both who were on H4 visas, waiting to receive the work permit, and also among those who had successfully gained the work permit.

Shreya (pseudonym), 38 years old, mentions a similar account:

"...Contrary to popular belief, it is not as easy to get a job on EAD because a lot of...like in the normal companies...like basic American companies, a lot of people don’t know what H4 EAD is...So when you say EAD, people assume that it’s a Green Card EAD...I mean, I learned the hard way after giving enough interviews. So today, assume that you’re on the way to get a job and then you tell them, Oh no, it’s an H4 EAD. And then they’re like, Oh! What is that? And the worst part is H4 EAD has a very bad reputation. So imagine that you never heard of H4 EAD. You go and Google it. And the first thing you see is that it’s going to be revoked. Nobody really wants to give a job with that kind of visa because you don’t know for sure how long they’ll be allowed to work for you. So although people may seem like, Oh my god, you have an H4 EAD so these jobs must be raining on you. It’s not like that. (Interview conducted on March 30, 2021)"

Even if someone manages to secure a job for themselves, it is like restarting one’s career right from the beginning. The restart is because of the halt of 6 years in between, i.e. shifting from H4 to H4 EAD, sometimes due to non-availability of job which is in cognisance with one’s education and experience, and most of the time due to a shift towards the social reproductive role adopted by the women and the lack of helping hand to share these responsibilities.

Kavita (pseudonym) worked for eight years after completing her MBA and was in a reputed MNC, heading a brand which is an international money transfer brand, in India. She moved to the US post marriage in 2013 and received her work
permit in around 2018. She narrates her struggle of looking for work after receiving the work permit:

...then I kind of just gave up looking for a job. I think the difference was that at that point, I used to think that I wanted a similar job as to what I did in India. So the same level...same type of...you know, like big scale, stuff like that. After struggling for almost a year, I kind of readjusted my expectations. And I was like, you know what, at this point, I think I just need a job. Beggars can't be choosers. So once I readjusted it, it was easier because then I was hoping to get a contractual job like an hourly wage job. It didn't matter how low the rate was because I needed a foot in the door. (Interview conducted on December 14, 2020)

Prema (pseudonym), 30 years old, adds:

The worst part about this visa is you can't work. So then what do you do? You do all the household work like cooking, cleaning, washing, etc. I used to hate these household works and I still do. The worst part is – I can't even hire a help. It's not like in India here. Here, the house helps are damn expensive. I can't even ask XXX (husband) that I want them. Because then he will be like why do you need them? What will you do the entire day then? Blah blah blah...and now with kids around, there's hardly any time to get back to work. I can't even think of that now. (Interview conducted on September 27, 2021)

In a way, it can be said that the immigration law has altered the social, psychological and economic well-being of women at a larger level and has confined them in domestic space with the expectation towards the fulfillment of social reproductive role.

Conclusion

The laws of any country are framed by actors who are very much part of the same society. Therefore, to a large extent, the law reflects the social fabric of the society it belongs to. The notion of women and their role in family and marriage, which existed historically around the world, was manifested in the family and
personal law and was exhibited through the idea of control and coverture. The same idea of control and coverture further transcends down to the immigration laws concerning non-nationals, which is visible to date.

On the one hand, the H1B visa holders from India are welcomed in the US but their spouse’s entry is conditional. The conditionality imposed is not just regressive but also places women in a vulnerable position. Through its immigration laws, the state redefines the role of these dependent women in society and creates boundaries restricting their movement in the destination country. This dual treatment of individuals belonging to the same family, legitimised by the law, has brought in much difference in how a person narrates their experience of being in the US, hence adding to the heterogeneity in understanding skilled migration to a developed nation.

The effort to integrate into the new land is often more challenging for these women than their male counterparts, who have access to avenues for social interaction and participation. Women with career aspirations often find themselves struggling with the situation where they try to manoeuvre within the existing frames of the immigration laws, trying to be productively associated with some activities which might add to their future career prospects. Amidst all these, their non-participation in the labour market often pushes them towards the social reproductive role, which many of these women are not prepared for or would have never been their choice.

Lack of financial independence, along with the push towards the social reproductive role, has brought in a plethora of issues ranging from economic dependence and loss of career aspiration to loneliness, identity crisis and belongingness, which often results in psychological distress. This distress further transcends beyond the individual level to affect the family, thereby creating a domino effect.

Therefore, laws framed with specific subjects in mind are not merely the binding principles guided towards governing them; it further transcends down to impact them socially and psychologically, disrupting their usual way of life.

---

**Notes:**

1 Some other equivalent terms used are ‘prison visa’ and ‘handicap visa’.
ii According to a place of celebration rule, any marriage recognised in the jurisdiction where the marriage took place will be considered valid.

iii H1B visa is for skilled workers, H2A is for seasonal agricultural workers, and H2B is for other unskilled work, which is seasonal/temporary.

iv EAD is an Employment Authorisation Document which dependent visa holders need to apply to the United States Citizenship and Immigration Services (USCIS) using the I-765 form if s/he has been living in the US for the last six years on a dependent visa and is now willing to get the work permit. EAD, however, does not ensure any job. It is just an authorisation from USCIS that the person is legally eligible to join the labour market.

v I-140 is the application that transfers the status of H1B visa holders from temporary workers to Legal Permanent Resident availing Green Card.
REFERENCES:


Tasha Agarwal is a Ph.D. Research Scholar at the School of Development Studies, Ambedkar University, New Delhi.
Email id: tagarwal.17@stu.aud.ac.in