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Application for H-4 EAD

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Submitted by Chief Editor on Jun 24th 2015

FAQ 1. I am presently in Canada on a work permit and want to apply for H-4 EAD. My husband has a valid H-1 and an approved green card application . So we are eligible for applying. My question is that can I visit US for 2-3 days, mail my application and then leave the country? Do I need to be in the US when the USCIS receives my application? Or I can immediately leave after mailing the application?

FAQ 2. My spouse's PERM approved & his employer is still gathering required documents to file I-140. It is still within 180 days limit. Can I apply for H-4 EAD with my spouse approved PERM copy and other documents required (eligible under beyond 6 years extension of H-1 & PERM pending 365 days) ? Or do I have to wait until his I-140 filed ?

ANSWER:

Answer 1: Unless you are already on H-4, you cannot leave while the change of status request is pending.

Answer 2: I think you will need the I-140 APPROVAL, not just receipt (or 7+ year H-1 extension).

Nonimmigrant Visas:

H-4 EAD ^[2]

Unless the context shows otherwise, all answers here were provided by Rajiv ^[3] and were compiled and reported by our editorial team from comments and blog on immigration.com ^[4]

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[1] <https://immigration.com/faq/application-h-4-ead>

[2] <https://immigration.com/visa/nonimmigrant-visas/h-4-ead>

[3] <http://www.immigration.com/law-offices-rajiv-s-khanna-pc>

[4] <http://www.immigration.com>

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