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Compelling circumstances EAD

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Submitted by Chief Editor on Mar 21st 2017

I have approved I-140 from 2010. I read that if I apply for I-140 EAD (due to compelling circumstances) it will revoke my H1B status and then I would not be able to adjust the status through I-485 without going outside the country and getting back on H1 which is extremely risky. The other option is Consular Processing which is also waiting outside US. Is that right? What status would a person be in US if on I-140 EAD due to a compelling circumstance? Is there a way to switch to H-1B so as to continue with Green Card through Adjustment of Status (with same priority date) while within US?

ANSWER:

Watch the Video on this FAQ: Compelling circumstances EAD ^[2]

Video Transcript

If you use a compelling circumstance EAD you are in authorized period of stay. If you want to file I-485 or want to convert back to H-1B you got to go outside the USA and come back on a H-1B visa. There is no way around that. More... ^[2]

Note: This is a verbatim transcript of the referenced audio/video media delivered as oral communication, and, therefore, may not conform to written grammatical or syntactical form.

Nonimmigrant Visas:

H-1 Visa ^[3]

Green Card:

Form I-140 ^[4]

Form I-485 ^[5]

Immigration Law :

EAD ^[6]

FAQ Transcript:

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Unless the context shows otherwise, all answers here were provided by [Rajiv](#) [7] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) [8]

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Links:

- [1] <https://immigration.com/faq/form-i-140-form-i-485/compelling-circumstances-ead>
- [2] <https://youtu.be/qWlDsAliNtl?t=4060>
- [3] <https://immigration.com/visa/nonimmigrant-visas/h-visa/h-1-visa>
- [4] <https://immigration.com/greencard/green-card/form-i-140>
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