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H-4 EAD Based Upon Prior Employers

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Submitted by Chief Editor on Sep 10th 2018

I am currently working with employer A on H-1B visa with I-140 approved for over 180 days. My wife is on F-1 EAD. I am planning to move her visa status from F-1 to H-4 EAD AFTER I join Employer B next month based on my approved I-140 from my employer A.

My questions are:

1. Once I join employer B, will I be able to apply for my wife's H4 EAD based on approved I140 which I have from employer A? Can I apply both visa status change (F1 to H4) and application for H4 EAD concurrently?
2. In other words, will changing my employer impact my wife's eligibility to get H-4 EAD based on my approved I-140 from previous employer?
3. Can I change multiple employer based on I-140 approved from employer A? If yes, what if employer B has already started green card process (PERM)?
4. If I get I-140 approved from employer B also then what will happen to I-140 approved with employer A?

ANSWER:

[Watch the Video on this FAQ: H-4 EAD based upon prior employers](#) ^[2]

Video Transcript:

1. Yes, you can apply both change to H-4 and H-4 EAD concurrently. Therefore even though you are working for employer B your wife can derive the same benefit as you would from the earlier I-140 approval.
2. No. Even though the I-140 was from the previous employer.

3. You can change employers as many times as you like and once your I-140 has been approved 180 days there is no limit to how many employers you can change and how long you can keep getting extensions of your H-1B as long as the dates are not current. If the dates become current then you can get only one year extension as far as I recall.

4. The answer is No. Both remain valid in their own right and you can derive the maximum benefit whichever is better for you out of the two. [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-4 EAD](#) [3]

[H-1 Visa](#) [4]

[General Nonimmigrant Visa](#) [5]

Green Card:

[Form I-140](#) [6]

[PERM - Labor Certification](#) [7]

FAQ Transcript:

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Unless the context shows otherwise, all answers here were provided by [Rajiv](#) [8] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) [9]

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Links:

[1] <https://immigration.com/faq/form-i-140-perm-labor-certification/h-4-ead-based-upon-prior-employers>

- [2] <https://youtu.be/VtcPQ3kfN1Y?t=94>
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