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## Questions on AC21, EAD, losing job, etc.

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Submitted by Chief Editor on Jan 19th 2010

#### **ANSWER:**

1A. Yes.

2A. Yes, but you will then lose H-1 status (which can be revived by reentering USA using an H-1 visa during the life of your H-1 and taking up single-employer job with the H-1 sponsoring employer ? not a difficult task, usually).

3A. Correct. You are in authorized period of stay. That has been explained in my blog.

4A. You can stay as long as CIS does not send an RFE or a Notice of Intent to Deny requiring you to prove similar, alternate employment (AC21 portability ? also explained in detail on my blog).

5A. There is no such obligation for the employee. If the employer informs CIS, they should send (eventually) an NOID requiring proof of employment ? see the answer above.

6A. No.

7A. No.

8A. I am not sure I understand, but there is no deadline unless an RFE or an NOID is issued.

9A. Since your I-140 is approved and I-485 has been pending over 180 days, you are entitled by law to change jobs to a similar position with any employer. And you do not have to start your green card all over again. This is referred to as AC21 portability ? discussed in exhaustive detail on my blog. But if the jobs are not similar, you can only carry forward the PD and have start your GC all over again. Make sure you maintain H-1 status.

#### **Nonimmigrant Visas:**

H Visa <sup>[2]</sup>

General Nonimmigrant Visa <sup>[3]</sup>

H Visa <sup>[2]</sup>

General Nonimmigrant Visa <sup>[3]</sup>

**Profession/Occupation:**

[Employee](#) [4]

[Employee](#) [4]

**Green Card:**

[Form I-485](#) [5]

[AC21 AOS Portability](#) [6]

[Form I-485](#) [5]

[AC21 AOS Portability](#) [6]

**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-485-ac21-aos-portability-form-i-485-ac21-aos-portability/questions-ac21-ead-losing-job>

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[3] <https://immigration.com/visa/nonimmigrant-visas/general-nonimmigrant-visa>

[4] <https://immigration.com/profession/professionoccupation/employee>

[5] <https://immigration.com/greencard/green-card/form-i-485>

[6] <https://immigration.com/greencard/green-card/adjustment-status/ac21-aos-portability>

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