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Change of Status from J-2 to TN

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Submitted by Chief Editor on Apr 22nd 2014

Am I allowed to apply for TN status while EAD is pending. E.g Based on my new DS2019, I apply for EAD in May/14 for authorization beginning Jul1/14-Jun30/15. Now I get an offer letter. In Jun/14, can I apply for TN status at the border or for COS with I-129 with USCIS?

ANSWER:

Check with USCIS customer service, but my guess is if you travel outside the US while the EAD is pending, the EAD application is abandoned and would have to be refiled. The only reason I have some doubt that I am correct is because J-2 work authorization is a granted right, legally called "incidental to status."

Nonimmigrant Visas:

J-2 Visa [2]

TN Visa [3]

Unless the context shows otherwise, all answers here were provided by Rajiv [4] and were compiled and reported by our editorial team from comments and blog on immigration.com [5]

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Links:

[1] <https://immigration.com/faq/change-status-j-2-tn>

[2] <https://immigration.com/visa/nonimmigrant-visas/j-visa/j-2-visa>

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

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

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