



Published on *US Immigration Lawyer, Law Offices of Rajiv S. Khanna, PC, Rajiv S. Khanna* (<https://immigration.com>)

Status of the H-4 EAD regulations

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Submitted by Editor on Feb 20th 2015

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ANSWER:

See clip from Attorney Rajiv S. Khanna's conference call video that addresses this question.

<https://www.youtube.com/watch?v=sXq6DaDK7AA#t=93> ^[2]

FAQ Transcript:

This FAQ is about H-1 quota, how does H-1 quota work?

I think this is an issue important for many people.

Question: I am on L-1 A, If I get H-1B this April, is it mandatory to work from October 1st. Can I continue on L-1A and then change to H-1B when I like.

Answer: It can be done, sure. Here is how you do, when you apply for H-1, don't apply for change of status, its up to you. You can tell the employer and double check it, make sure you talk to lawyers. Just say I want an H-1 approval but I don't want change of status. That way from October 1st you don't automatically get on H-1, you stay on L-1 continue working on L-1. And whenever you are ready you can go outside, get your visa stamped and come back or apply for change of status within USA to H-1, which is like doing H-1 all over again but you are not subject to the quota. So that's how you do.

Nonimmigrant Visas:

[H Visa](#) ^[3]

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

Green Card:

[Employment Based Green Cards](#) ^[5]

Immigration Law :

[EAD](#) ^[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/employment-based-green-cards/status-h-4-ead-regulations>

[2] https://www.youtube.com/watch?v=xv_vl7O0d4U#t=441

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

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

[5] <https://immigration.com/greencard/green-card/employment-based-green-cards>

[6] <https://immigration.com/law/immigration-law/ead>

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

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

[9] <https://immigration.com/JavaScript%3Avoid%280%29%3B>