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# Pros and cons of H-4 EAD

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Submitted by Chief Editor on Dec 10th 2015

My wife is on H-1B and became aware of her project end dates. We are currently evaluating the options of H-4 EAD.

### **ANSWER:**

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

[https://youtu.be/H\\_VV9kV\\_I0g?t=1345](https://youtu.be/H_VV9kV_I0g?t=1345)<sup>[2]</sup>

### FAQ Transcript:

Question: My wife is on H-1B and became aware of her project end dates. We are currently evaluating the options of H-4 EAD. Can we file H-1-H-4 transfer and EAD concurrently?

Let's take the situation where you are filing H-1, for you yes I do not see any problem with it. If you are doing H-1 transfer, you can do her H-4 and EAD concurrently. However, if you are trying to do H-1 transfer for her along with H-4 EAD simultaneously, that can become little complicated. But I don't know what exactly you are trying to accomplish. If you are trying to cover both basis I would recommend to do an H-1 premium processing and then file an H-4. Let one status accomplish before you apply for the next status. If you want to do both simultaneously make H-1 premium.

Question: Do companies hire full time on H-4 EAD?

That depends upon the company. EAD holders has all rights almost equivalent to the Green card holder. So if the employer knows what this EAD is or they have good legal advice they should be able to hire full time on H-4 EAD.

Question: What are the benefits of H-4 EAD over H-1?

Some really big benefits. One benefit is there is no requirement of a particular salary. Number two is there is no requirement of specific job location. An H-4 EAD holder can work 3 hours in one job, 5 hours in another job location or 10 hours and then keep switching from job to job if they want. There is no limit on how they work. They can even start their own business. So

those are some of the big advantages of H-4 EAD.

The biggest disadvantage is because the status depends upon the H-1 holder, something goes wrong with the H-1 status; they get laid off or they fall out of the status then the H-4 status is also in doubt.

Question: Do I recommend to convert to H-4 EAD?

That depends upon the case.

Question: What are the risks associated with the conversion?

From H-1 to H-4 not much risk that I can see.

Question: What is the typical timeline?

That is very tricky. We had a tweet exchange couple of weeks ago with the community member who said that; his wife's EAD got approved in couple of weeks. My office was reporting that H-4 EAD combine can take months. A few months ago they were only taking a couple of months. So few months is not an extraordinary for H-4 EAD combo. If you are doing EAD alone, already your wife is on H-4, it might be quick. Technically there is 90 days? deadline on the government to decide these cases of EADs. How far they follow it I don't know.

### **Nonimmigrant Visas:**

[H-4 EAD](#) [3]

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

[H-1 Visa](#) [5]

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[2] [https://youtu.be/H\\_VV9kV\\_I0g?t=1345](https://youtu.be/H_VV9kV_I0g?t=1345)

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

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[5] <https://immigration.com/visa/nonimmigrant-visas/h-visa/h-1-visa>

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