

Working abroad while AOS pending

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Submitted by Chief Editor on Aug 25th 2009

My self and my wife are on EAD and advance parole. My wife and I are from India. I have to work in Switzerland on my company business for some time 6 months to a year ? would that affect my EAD status in the USA. I would be working for the Swiss branch of my company. The assignment is short term 6-12 months. This is however not the company with which I started my green card. I changed jobs when I got my EAD. But I have several questions: 1. Can I even work abroad while on EAD status - short term, i am only talking 6-12 months. if this term is 11 months is that fine? Or do i have to work in the USA only while on EAD? 2. Do I need to maintain substantial presence in the USA while on EAD. And if so what is that term of stay. 3. Updated FAQ: My case is slightly different than the above one. Currently I am on Derivative EAD, which I got through my spouse's company. (I 485 pending and more than 180 days) I was on H1B and I got laid off in March 2009. I am still finding difficult to find a job in the US. I got an offer from a company in Canada. I know that I can work there once I get canadian work permit. My wife (main applicant and EAD holder) will be working for the same company in the US. My question is how often I can come to US with my Advance Parole? will there be any problem if I visit US often? Please advise.

ANSWER:

1. An EAD is good to work on US soil only. If you wish to work in a third country, you have to look to their laws for work permissions. You should file an AC21 portability and make sure during your entire stay abroad you have at least your Advance Parole; preferable both your AP and H-1 visa.
2. As long as the permanent job continues to exist, there is no other requirement of presence.
3. I see no problem with visiting USA as often as you like.

Unless the context shows otherwise, all answers here were provided by Rajiv [2] and were compiled and reported by our editorial team from comments and blog on immigration.com [3]

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