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Changing employers after I-140 approval; impact on H-1, green card, H-4 EAD, etc.

Changing employers after I-140 approval; impact on H-1, green card, H-4 EAD, etc. [1]

Submitted by Chief Editor on Jun 9th 2017

Planning to change my employer. Priority Date: Sept 2014 (EB2). H1: on my 5th Year (Filed for an extension it is currently in process). My plan is to change my employer once my extension is approved but I have the following questions. I am 100% sure my employer is going to withdraw my I-140. How is my H1 transfer going to work?

ANSWER:

Watch the Video on this FAQ: Changing employers after I-140 approval; impact on H-1, green card, H-4 EAD, etc. [2]

Video Transcript

First of all the moment, your I-140 is approved no matter which category EB-1 or EB-2, the Priority Date is yours to keep that means if you got your green card filed in let's say 2017 and you left this employer after the I-140 approval, they revoked your I-140 and you started another green card in 2020 your Priority Date will be still 2017 because your I-140 was approved. So the moment the I-140 was approved the Priority Date becomes your property and it can be carried across categories, across employers, and across geographical areas. So if you go from a PERM filing in New York to an employer in California and your previous filing was EB-3 next filing is EB2 or even EB-1 you can carry the date of the work petition as long as the I-140 was approved. The moment the I-140 is approved, the Priority Date is yours.

There are limited exceptions unless the I-140 is revoked for fraud, etc., by the USCIS. Even if the employer revokes the I-140 you will keep your Priority Date. In addition to that, if the I-140 gets approved and stays approved for 180 days you will not only carry your Priority Date you will carry your right to extend your H-1 through any employer indefinitely. You will get a second benefit after 180 days and if the lawyer revokes the I-140 you will still get the benefit of both Priority Date and the right to extend your H-1 through any employer. The government has also said if you have an H-4 EAD for your spouse, your I-40 stayed approved for 180 days your wife's or your husband's H-4 EAD is safe even if the old employer revokes the I-140 later on as long as the I-140 stayed approved for 180 days. So if you left but the I-140 stayed approved for 180 days H-4 EAD is safe. That, in a nutshell, is the general law More [2]

Note: This is a verbatim transcript of the referenced audio/video media delivered as oral communication, and, therefore, may not conform to written grammatical or syntactical form.

Nonimmigrant Visas:

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

[General Nonimmigrant Visa](#) [4]

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

Green Card:

[EAD \(AOS\)](#) [6]

[Employment Based Green Cards](#) [7]

[Form I-140](#) [8]

[Priority Date](#) [9]

FAQ Transcript:

Note: This is a verbatim transcript of the referenced audio/video media delivered as oral communication, and, therefore, may not conform to written grammatical or syntactical form.

Unless the context shows otherwise, all answers here were provided by [Rajiv](#) [10] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) [11]

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Links:

[1] <https://immigration.com/faq/ead-aos-employment-based-green-cards-form-i-140-priority-date/changing-employers-after-i-140>

[2] https://youtu.be/r_QviFEXoSo?t=357

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

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

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

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

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

[8] <https://immigration.com/greencard/green-card/form-i-140>

[9] <https://immigration.com/greencard/green-card/priority-date>

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

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

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