

New Regulations, Effect on Layoff after I-140 Approval

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Submitted by Chief Editor on Jul 27th 2017

1. I have I-140 approved and its more than 6 months over. My priority date is March 2011 under EB2. At this situation, if my current employer lay me off from work, what immediate step I need to do, in order to legally stay in the USA. (Do I need to contact my lawyer to change my H1B visa status and my family status to Tourist visa or Can I change my status online or what is the option?).

2) With the new I-140 EAD regulations effective Jan 17th 2017 in place, am I eligible to apply for EAD using "Compelling circumstances EAD", if my company laid me off? As of July dates for filing for EB2 visa application is 01FEB09 , which is more than 2 years wait time for my dates to be current.

ANSWER:

Watch Video on this FAQ: New regulations, effect on layoff after I-140 approval ^[2]

Video Transcript

1. Having an I-140 approval that stayed in existence for 180 days does not protect your current status by itself so with the new rule you've got that 60 day grace period to file for an H-1 or any other kind of change of status after the layoff so you have got that 60 day grace period you could try applying for a tourist visa if nothing else works out.

2. Yes. You can use Compelling Circumstances EAD. See [my blog](#) ^[3]for more details.

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.

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FAQ Transcript:

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Unless the context shows otherwise, all answers here were provided by [Rajiv](#) [9] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) [10]

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Links:

[1] <https://immigration.com/faq/ead-aos-form-i-140/new-regulations-effect-layoff-after-i-140-approval>

[2] <https://youtu.be/c16psqxtsH4?t=853>

[3] <http://www.immigration.com/blogs/i-140-ead-regulations-effective-17-january-2017>

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

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

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

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

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

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

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

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