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National Interest Waiver (NIW) Filing When Priority Date is Not Current

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Submitted by Chief Editor on Feb 22nd 2018

I am a staff in University of Pittsburgh and still have 3 more years to complete 6 yrs of my H1B. H1B sponsorship is an issue for me getting a new job.

- 1) When I apply for a NIW -EB2, can I simultaneously apply for I140, EAD, 485 simultaneously?
- 2) Although the green card date for Indians with EB2 is not current, can USCIS approve my EAD much earlier (may be within a year) compared to approving 485 which might take several years?
- 3) Further can I use that approved EAD to change jobs by bypassing H1B sponsorship?

ANSWER:

[Watch the Video on this FAQ: National interest waiver \(NIW\) filing when priority date is not current](#) ^[2]

Video Transcript

1. No because the dates are not current. If your country of birth is India you cannot file them together.
2. No because you can't get I-485 filed.
3. Remember NIW is not bound to a particular job except for physicians. Doctors are different, but NIW for non physician employment is not tied to a particular position you can change jobs as many times as you like as long as you are still working in the area of 'intrinsic merit' which is the basis of your filing. [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-1 Visa](#) ^[3]

[General Nonimmigrant Visa](#) ^[4]

Green Card:

[EAD \(AOS\)](#) ^[5]

[EB2 Green Card](#) ^[6]

[National Interest Waiver](#) ^[7]

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](#) ^[8] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) ^[9]

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Links:

[1] <https://immigration.com/faq/ead-aos-eb2-green-card-national-interest-waiver/national-interest-waiver-niw-filing-when>

[2] <https://youtu.be/fFPwgwrmbRE?t=2130>

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

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

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

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