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I-140 may get revoked. What happens to priority date?

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Submitted by Chief Editor on Oct 20th 2009

This is regarding my husband. My Husband's GC is filed through Employer A. His LC & 140 got approved. We did not file 485. He recently got a good job opportunity and transferred his visa to Employer B. We have priority date of Nov 2007 in EB2. But Employer A may revoke the 140 as my husband is no longer an employee of company A. We do have the copy of approved 140 with us. Employer B is willing to start his GC process this year. Can we port the old 140's priority date even though the original 140 is revoked? Will it be lost if approved 140 is revoked?

ANSWER:

The old employer can withdraw I-140, but the applicant will still be able to retain the Priority Date. Please review the latest information on this topic: [Priority Date Can Be Carried Forward Even if Old I-140 is Revoked \(Unless Fraud or Misrepresentation\) ? July 7, 2012](#) ^[2]

Unless the context shows otherwise, all answers here were provided by [Rajiv](#) ^[3] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) ^[4]

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Links:

[1] <https://immigration.com/faq/form-i-140/i-140-may-get-revoked-what-happens-priority-date>

[2] <http://forums.immigration.com/entry.php?311-PD-Can-Be-Carried-Forward-Even-if-Old-I-140-is-revoked-%28Unless-Fraud-or-Misrepresentation%29-7-12-12>

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

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

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