



Published on *US Immigration Lawyer, Law Offices of Rajiv S. Khanna, PC, Rajiv S. Khanna* (<https://immigration.com>)

EB3 to EB2 and I-140 Refile

EB3 to EB2 and I-140 Refile ^[1]

Submitted by Chief Editor on Jan 21st 2010

I have worked for Company A and got my labor certificate (Approved in May 2009) and I-140 (Approved in Nov 2009 under Eb-3). But company A got acquired by Company B. Company B bought major part of the assets from Company A. Both companies do same kind of business. 1. The new company B is in same County and State (but different cities). 2. I Will be doing similar or same work in a similar position. 3. H1B transferred from Company A to Company B. 1) Can company B use Company A Labor certificate and refile the I-140 again? 2) Since Company A filed I-140 on EB-3, Can Company B refile I-140 on EB2?

ANSWER:

Generally speaking, I see this as a good opportunity to start a new *PERM* under EB2 and then transfer the priority date. Speak with your lawyers.

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]

Add new comment ^[4]

Source URL (retrieved on 26 Sep 2020 - 00:17): <https://immigration.com/faq/eb2-green-card/eb3-eb2-and-i-140-refile>

Links:

[1] <https://immigration.com/faq/eb2-green-card/eb3-eb2-and-i-140-refile>

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

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

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