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I-140 RFE ? Progressive Experience

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Submitted by Chief Editor on Jul 2nd 2013

How does one prove that five years? experience gained while working for one employer, with one job title is progressively responsible in nature?

That issue was key in a recent EB-2, I-140 petition. USCIS issued a Request For Evidence (RFE) alleging that although the employee had the requisite experience, he had failed to establish that his experience had grown progressively responsible after receipt of his Bachelor?s degree.

Note that a requirement of EB-2 category is that the foreign worker must possess a Bachelor?s degree and 5 years of progressively responsible, post-bachelor?s experience. So, unless we are able to prove that the experience is ?progressively responsible,? we would lose our EB-2 case. The complication here was that all five years of experience were with same employer and the same job title. It took considerable investigation and understanding of the IT field, but we could see that the experience was indeed progressive. Accordingly, we responded with a significant amount of evidence, including employment letters, affidavits, and pay stubs. We also presented several cases and legal arguments that backed our position.

The petition was approved in less than two weeks.

Green Card:

[EB2 Green Card](#) ^[2]

[Form I-140](#) ^[3]

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[1] <https://immigration.com/sample-cases/eb2-green-card/i-140-rfe-%E2%80%93-progressive-experience>

[2] <https://immigration.com/greencard/green-card/employment-based-green-cards/eb2-green-card>

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