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Difference between I-140 withdrawn and revoked

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Submitted by Chief Editor on Dec 22nd 2015

I saw some online forums stating that if I-140 withdrawn you can retain your PD date. Is it true under current circumstances? What is difference between I-140 Withdraw vs I-140 Revoke? If both are not the same, in which cases employers to for withdraw.

ANSWER:

See clip from Attorney Rajiv S. Khanna's conference call video that addresses this question.

<https://youtu.be/GI2WiBEALtk?t=273> ^[2]

FAQ Transcript:

A revocation means, an I-140 was approved and then cancelled. So revocation means there was an approval first. If a case has never been approved, it cannot be revoked. It can only be withdrawn or it can be denied.

Let's say for e.g.: I file your I-140, and USCIS says we deny this case as there are problems that's a denial. Everybody understands that. So I file your case (I am your employer) before the case gets approved I send a cancellation request that's a withdrawal. My case gets approved then I write to the USCIS and say I want to cancel this case that is a revocation.

Another circumstance of revocation is when USCIS says we approved this case and they can go back and issue a notice of intent to revoke the case. Or if they find any fraud which is a very serious matter that should never be ignored that has criminal complications, that on an employee can operate as a permanent bar from entering the US.

Therefore, when a case is approved and then cancelled out it is a revocation, whether it is done by the employer or the government, if the case is still pending it can only be withdrawn or denied.

Green Card:

Form I-140 [3]

Priority Date [4]

Unless the context shows otherwise, all answers here were provided by Rajiv [5] and were compiled and reported by our editorial team from comments and blog on immigration.com [6]

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Links:

[1] <https://immigration.com/faq/form-i-140-priority-date/difference-between-i-140-withdrawn-and-revoked>

[2] <https://youtu.be/GI2WiBEALtk?t=273>

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

[4] <https://immigration.com/greencard/green-card/priority-date>

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

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

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