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Extension of H-1 beyond six years, gap in H-1, late in filing PERM, etc.

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Submitted by Chief Editor on Feb 23rd 2017

ANSWER:

Watch Video on this FAQ: Extension of H-1 beyond six years, gap,^[2] in H-1, late in filing PERM, etc^[2].

Video Transcript:

Under the current rules, there are two ways you can get H-1 extension beyond six years: one is based upon the time you're green card has been going on and the other one is based upon the stage you are at and we don't care what time the green card was started. Time-based and stage based. Time-based works like this. The day of the first anniversary of your perm filing is reached you are entitled to a one-year extension of your H-1 on a year to year basis. Stage-based green card, the day your I-140 is approved, you are entitled to three-year extensions. So those are the only two ways.

What if you are late? What if you have only eight months left on your H-1 when your PERM is filed?

Well, if there is a four-month gap or a two or three-month gap you would either have to convert to another status or leave the USA and then you come when you're one year time is matured or stage based green card is activated because you're I-140 is approved.

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:

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[PERM - Labor Certification](#) [6]

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FAQ Transcript:

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Unless the context shows otherwise, all answers here were provided by [Rajiv](#) [7] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) [8]

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Links:

[1] <https://immigration.com/faq/form-i-140-perm-labor-certification-form-i-140-perm-labor-certification/extension-h-1-beyond-six>

[2] <https://youtu.be/HVOjYpLmmk?t=79>

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

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

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

[6] <https://immigration.com/greencard/green-card/perm-labor-certification>

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

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

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