

Changing Jobs After I-140 Approval, Returning to the Old Job, etc.

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Submitted by Chief Editor on Jan 9th 2018

I am on H1B visa in US from 2008 with employer A, and i have I-140 approved in 2011 from Employer A, Now in 2017 i am planning to change my employer to Employer B. My question: Scenario 1 : If say Employer B doesn't sponsor/start my GC/I-140 in 3 years, can my employer B use Employer A's I-140 to renew n number of times ? Scenario 2: If I didn't like employer B in future and they have not sponsored or started my GC/I-140, can i switch to Employer C ,using Employer A's I-140. Scenario 3:If I didn't like employer B in future and they have not sponsored or started my GC/I-140, then I switch to Employer A ,using Employer A's I-140 .. now do employer A again has to restart GC/I-140 ?. Scenario 4: How much of over lap of dates of employment can happen b/w Employer A and Employer B.

ANSWER:

Watch the Video on this FAQ: Changing jobs after I 140 approval, returning to the old job, etc. ^[2]

Video Transcript

If you look at the situation academically this can be a problem and they should start the green card all over again why because the basic jurisprudence or the legal theory of a green card is that there must exist a job that continues to exist without interruption so when you leave the employer A with the intent not to come back or the employer no longer has the intent to hire you back it can be argued that the continuity of the intent of having a job that the employer wants to give you and that you want to accept has been interrupted. So I guess employer A can definitely start from where you left as long as there was an intention to keep the job open and for you to come back which I think is difficult to argue in your case. You should talk to your lawyers.More...^[2]

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:

H-1 Visa ^[3]

General Nonimmigrant Visa ^[4]

Green Card:

Form I-140 ^[5]

FAQ Transcript:

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Unless the context shows otherwise, all answers here were provided by Rajiv ^[6] and were compiled and reported by our editorial team from comments and blog on immigration.com ^[7]

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Links:

[1] <https://immigration.com/faq/form-i-140/changing-jobs-after-i-140-approval-returning-old-job-etc>

[2] <https://youtu.be/B3g-1way0nU?t=197>

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

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

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

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

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

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