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180 Rule for Priority Dates/H-1B Extension

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Submitted by Chief Editor on Mar 29th 2018

I have quick question about the mystery behind 180 days staying with the Employer with whom my I-140 is approved. So my I-140 is been approved with priority date as Dec 2014 and the Notice date is Nov 2017. Do I have to wait for 180 days/ 6 Months from the Notice date of Nov 2017 so I will not loos the Priority date when I move with new employer?

ANSWER:

Watch the Video on this FAQ: The 180 rule for priority dates/H-1B extension ^[2]

Video Transcript

Beginning January 17th forward, some of that goes backward too, as soon as your I-140 is approved the priority date is yours even if the employer revokes the I-140 the second day or the same day so the priority date becomes yours the moment the I-140 is approved. If the I-140 gets approved and stays approved for 180 days and the employer then sends a letter to revoke the I-140 on the 181st day not only do you keep your priority date, you also maintain the right to keep extending your H-1 and I believe your wife's H-4 EAD as well even if the old employer revokes your I-140. The 180 days is the time for which the I-140 should stay unrevoked. 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:
Extension ^[3]

[H-1 Visa](#) [4]

[General Nonimmigrant Visa](#) [5]

Green Card:

[Form I-140](#) [6]

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-140/180-rule-priority-datesh-1b-extension>

[2] <https://youtu.be/kEkanqTJw4?t=1664>

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

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

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

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

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

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

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