

## Am I obliged to join my sponsoring employer after GC approval?

### Am I obliged to join my sponsoring employer after GC approval? <sup>[1]</sup>

Submitted by Chief Editor on Mar 10th 2009

#### **ANSWER:**

- Quote: 1) Do I need to inform company ?B? and be in their payroll with immediate effect?  
2) If company ?B? cannot provide me a job in my location and offer the salary I demand, is it a valid reason for me not to join ?B??  
3) How should I inform company ?A? about my green card and what is the best reason to justify my case to continue work with company ?A??  
or Should I inform company ?A? only when I fill the I-9 form next year Jan 2010.  
4) If I inform company ?A? now about the green card, is there any legal basis for company ?A? to take any action on me and terminate me?  
6) If I am impacted in any way, will my spouse and daughter loose their green card status.

**Ans.** Your basic question revolves around one issue. "Am I obliged to join my sponsoring employer after GC approval?"

This is a tough question to answer with so many shades of gray that I am venturing into conjecture rather than well-founded legal opinion. But I must try, because this situation does come up a lot.

First, we all the know GC is for a future position but you must have an honest intent ("good faith") to join the employer and they to hire you.

Quote: Practical hint 1. Document as best as you can that you had a good faith intent to join the employer and they to hire you, but due to the economy or whatever other reason they do not have a job for you. You can get a letter from the employer and some evidence that shows they have lost business and have had employee lay offs. You are also not obliged to take a pay cut over the labor cert salary or join in a location other that that mentioned in the labor cert.

**Ans.** Second, in my opinion, if you will join them, you should do so within a reasonable period.

There is no definition of that either. May be a few months delay is justifiable.

Quote: Practical hint 2. If the job you are doing now and the job under the GC are same or similar, make sure you document that. Keep copies of your labor cert and of your current job description. This gives an additional argument to protect your GC under AC21.

**Ans.** The reason I am asking you to document all this is that when you apply for naturalization, these issues may and often do come up. I am thinking of the defense you will need 5 years from now and if we end up taking the govt. to court, we can have good chances of success.

Company A should have no reason to let you go but you should update your I-9 now. If your GC is revoked so will that of your family.

### **Green Card:**

[Form I-485](#) [2]

[General Green Card](#) [3]

[AC21 AOS Portability](#) [4]

[Adjustment of Status](#) [5]

[Form I-485](#) [2]

[General Green Card](#) [3]

[AC21 AOS Portability](#) [4]

[Adjustment of Status](#) [5]

[Form I-485](#) [2]

[General Green Card](#) [3]

[AC21 AOS Portability](#) [4]

[Adjustment of Status](#) [5]

[Form I-485](#) [2]

[General Green Card](#) [3]

[AC21 AOS Portability](#) [4]

[Adjustment of Status](#) [5]

**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]**

### **[Add new comment](#)** [8]

---

**Source URL (retrieved on 25 Feb 2020 - 06:25):** <https://immigration.com/faq/form-i-485-general-green-card-ac21-aos-portability-adjustment-status-form-i-485-general-green-4>

### **Links:**

[1] <https://immigration.com/faq/form-i-485-general-green-card-ac21-aos-portability-adjustment-status-form-i-485-general-green-4>

[2] <https://immigration.com/greencard/green-card/form-i-485>

[3] <https://immigration.com/greencard/green-card/general-green-card>

[4] <https://immigration.com/greencard/green-card/adjustment-status/ac21-aos-portability>

[5] <https://immigration.com/greencard/green-card/adjustment-status>

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

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

[8] <https://immigration.com/JavaScript%3Aavoid%28%29%3B>