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Filing EB1 while EB2 AOS is pending

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Submitted by Editor on Nov 18th 2008

ANSWER:

I am thinking about applying for green card under EB-1A or EB-1B. Currently I have an approved I-140 (2005, EB2). I have a few questions:

Q.a) Is the EB1A or EB1-B I-140 premium processed?

Q.b) Do I need to submit another set of I-485 with the EB-1 application even though the EB-2 I-485 are pending with USCIS?;

Q.c) Which option would be better for me - EB-1A or EB-1B? I am currently an associate professor at XXX University.

Ans.a) Currently, there is no premium processing for this type of cases.

Ans.b) No. We should be able to use the same 485.

Ans.c) The answer to that depends upon two main factors: whether or not you have a "permanent" job and whether or not we have a strong enough resume for the higher category. Generally speaking, if we have a permanent job, I shoot for the lower category where the approval is more likely. Just send an email to Leslie for us to talk more about this issue. Email her your resume also.

Unless the context shows otherwise, all answers here were provided by Rajiv [2] **and were compiled and reported by our editorial team from comments and blog on** immigration.com [3]

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