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Further questions on AC21

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Submitted by Chief Editor on Nov 4th 2008

ANSWER:

Quote:

I would like to be on my H1B even with the new employer. To my knowledge we should file a new H1B within a month but due to the market situation if I have to get on to EAD then can I get back to H1B? If yes then with in how many days should I apply for H1B?

Ans. If you do go on EAD, you can get back on H-1 provided you are willing to get a visa stamp from outside USA. There is no limit on the number of days.

I also think you can try filing for an H-1 transfer and ask to be "forgiven" the 30 days gap in the H-1 transfer.

Further, per Yates memo (posted above in another note on AC21), even if the employer revokes I-140, you still keep your right to AC21.

Quote:

If I move from VA to MD the prevailing wages is changing. So should we file for a new LC?

Ans. No. That is the whole point of AC21. You should not have to file a new labor certification or green card as long as the job and salaries are similar.

Quote:

Within how many days should I file for AC21?

Ans. No limit. But in my view, ASAP.

Green Card:

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

[General Green Card](#) ^[3]

[AC21 AOS Portability](#) ^[4]

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

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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-485-general-green-card-ac21-aos-portability-adjustment-status-form-i-485-general-green-8>

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