



Published on *US Immigration Lawyer, Law Offices of Rajiv S. Khanna, PC, Rajiv S. Khanna* (<https://immigration.com>)

Can Employer Withdraw My Green card Application?

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Submitted by Chief Editor on Aug 18th 2008

I had accepted an offer of employment from a well established Indian Consultancy company last year in the month of June 2007. I was given the pre approved labor and they filed I 140 and 485, EAD, AP during that Visa bulletin fiasco last year. I got EAD and AP for both me and for my wife. My I 140 approved from TSC last month. Now I have a better opportunity. My employer is threatening to withdraw GC files processing unless I work with them till I get my GC. Qo1. Is that possible for them to withdraw like that? Qo2. Does that affect my GC process in negative way? Qo3. What I have to do in case they withdraw? Qo4. Is it possible to re-start the whole GC process again in case? Qo5. By the time I file AC 21, if the present employer withdraws the GC files, what happens to my case? Qo6. How do we know whether they have withdrawn GC process or not?

ANSWER:

Ans1. They can withdraw the 140. That is their petition, but they cannot withdraw the I-485. That is your petition. If they withdraw the I-140 you can still take recourse to AC21 and not suffer any negative consequences.

Ans2. If you are covered by AC21, you should be fine.

Ans3. File AC21 letter as soon as possible.

Ans4. Sure .

Ans5. See this link: <http://www.immigrationportal.com/blog.php?b=25> ^[2]

Ans6. I do not think there is any easy way to do that. Unfortunately, you may find out only when CIS issues a Notice of Intent to Deny (NOID) your I-485. But you can try calling CIS customer service from time to time.

Unless the context shows otherwise, all answers here were provided by [Rajiv](#) [3] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) [4]

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[2] <http://www.immigrationportal.com/blog.php?b=25>

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

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

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