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## EB3 to EB2 and I-140 Refile

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Submitted by Chief Editor on Jan 21st 2010

I have worked for Company A and got my labor certificate(Approved in May 2009) and I-140(Approved in Nov 2009 under Eb-3). But company A got acquired by Company B. Company B bought major part of the assets from Company A. Both companies do same kind of business. 1. The new company B is in same County and State(but different cities). 2. I Will be doing similar or same work in a similar position. 3. H1B transfered from Company A to Company B. 1) Can company B use Company A Labor certificate and refile the I-140 again? 2) Since Company A filed I-140 on EB-3, Can Company B refile I-140 on EB2?

#### **ANSWER:**

Generally speaking, I see this as a good opportunity to start a new *PERM* under EB2 and then transfer the priority date. Speak with your lawyers.

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

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