Procedure for Porting a Priority Date from One I-140 to Another

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Submitted by Chief Editor on Feb 5th 2015

I have two approved I-140`s in EB-2 from two different companies with same A# on them. One with 2009 PD and other with 2011 PD. I am working for the company with 2011 PD . 2009 case was approved after the 2011 case so we could not port the date at the time of filing for 2011 case I-140. Now my question is do I need to file for amendment to port the 2009 date? Or am I eligible for filing I-485 without the I-140 amendment? Both I-140's are alive and employer did not withdraw any of them.

ANSWER:

See clip from Attorney Rajiv S. Khanna's conference call video that addresses this question.

https://www.youtube.com/watch?v=sXq6DaDK7AA#t=657 [2]

FAQ Transcript

PD (priority date) date transfer is supposed to be automatic. We don?t have to do anything about it and it is my understanding what USCIS does is they do periodic sweeps in fact several times a month. They do a sweep like queries of their database and whoever is entitled to whichever priority date at the earliest they automatically assign that to you. So if you have one I- 140 approved earlier another I-140 going on or approved they will automatically assign you the earliest priority date to which you are entitled. That may or may not reflect in your approval though. So just because it does not reflect in your approval it doesn?t mean that you are not going to get the earlier priority date. You can confirm it by opening a service request. You can confirm by asking them your priority date.

Hence the answer is you are eligible for filing I-485 automatically when the 2009 date becomes current. All you have to do is attach a copy of the earlier approval notice with it along with the current approval and you should be fine.

Green Card:
Employment Based Green Cards [3]

[EB2 Green Card](https://immigration.com/greencard/green-card/employment-based-green-cards/eb2-green-card) [4]
[Form I-140](https://immigration.com/greencard/green-card/form-i-140) [5]
[Form I-485](https://immigration.com/greencard/green-card/form-i-485) [6]
[Priority Date](https://immigration.com/greencard/green-card/priority-date) [7]
Unless the context shows otherwise, all answers here were provided by [Rajiv](http://www.immigration.com/law-offices-rajiv-s-khanna-pc) [8] and were compiled and reported by our editorial team from comments and blog on [immigration.com](http://www.immigration.com) [9]

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Links:
[1] https://immigration.com/faq/employment-based-green-cards-eb2-green-card-form-i-140-form-i-485-priority-date/procedure
[2] https://www.youtube.com/watch?v=sXq6DaDK7AA#t=657
[3] https://immigration.com/greencard/green-card/employment-based-green-cards
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