

Congratulations on the approval of your I-140 petition!

Earning approval of an employment-based immigrant petition from USCIS is a huge milestone. This document helps answer Frequently Asked Questions about the next step in the green card process.

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*This material is not intended to substitute as legal advice.

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1. What happens after my I-140 is approved?

First, USCIS mails the paper Approval Notice (I-797) to your employer and attorney. Typically, it takes 1-3 weeks. As a courtesy, we will email you a copy of the Approval Notice (I-797) to you, the beneficiary. Be sure to keep this in your files. The employer will receive its own approval notice and retain it for its own records.

Next, you will need to plan the last step of the “green card process” (or adjustment of status (AOS) to permanent resident), if it was not concurrently filed with your I-140. Note: reasons as to why the adjustment of status is done separately from your I-140, includes for example: facts of the case, preference category, country of birth, priority dates, and others. See more about this below.

2. How and when will I obtain permanent resident status?

As you may already be aware from the I-140 petition, the Form I-140 indicated whether the beneficiary would apply for “Adjustment of Status” (AOS), which means filing Form I-485 at USCIS while inside the U.S or whether the beneficiary would obtain permanent residence through “Consular Processing” which means applying for an immigrant visa at a U.S. Consulate overseas.

Below is a very general summary of how and when the process occurs.

- **If AOS was selected with concurrent filing of I-140 and I-485**, then your I-140 and Adjustment of Status were filed at the same time. USCIS should continue to move your AOS application through its system. No action is needed on your part during this time. Eventually, the next steps would include USCIS sending you notification of a biometrics appointment and then afterward process your I-765 (work document) and/or I-131 (travel document). You should not travel internationally while the travel document is pending, or the entire process will be considered abandoned and your adjustment of status denied. After several months of waiting, you should then be scheduled for an interview with a USCIS officer. After a successful interview, your “green card” should be approved, printed and mailed.
- **If AOS is filed as a standalone**, then after your I-140 approval, you must wait for your priority date to be current as per the Visa Bulletin to file your adjustment of status I-485 (and of any dependents). This could take a few months to several years. The current priority dates can be found [here](#). Meanwhile, depending on your underlying status (such as H-1B, L-1, E-3, etc.), you need to continue to be vigilant of your legal stay and work authorization in the U.S. This is primarily done via filing extensions with USCIS of your current nonimmigrant status, as applicable. Once your priority date becomes current, you are able to submit your (and any dependents) application for AOS and ancillary benefits. Again, once the I-485 (AOS) is filed, you should not travel internationally until your travel document is

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received. USCIS will send you notification of a biometrics appointment and process your I-765 (work document) and/or I-131 (travel document). Afterward, you would be scheduled for an interview with a USCIS officer, and after a successful interview, your “green card” should be approved, printed and mailed.

- **If Consular Processing was selected, which is done strategically in certain cases,** USCIS will send notice of the I-140 approval to the National Visa Center (NVC) which will forward the petition to the appropriate consular post abroad. After waiting, you should receive notification from NVC about their receipt of the petition and information to start the process. The process involves completion of immigration forms, payment of filing fees, gathering further documentation of your status and job position, and attending an interview at the designated U.S. embassy or consulate typically in your country of citizenship. After a successful interview, you will receive an immigrant visa stamp in your passport, enter the U.S., then USCIS will print and send your “green card” in the mail.

3. How do Priority Dates work?

The Priority Date (PD) (depending on the type of case) is typically the filing date of the I-140, or the filing date for the ETA 9089 (Labor Certification). The U.S. Department of State lists Priority Dates on the [Visa Bulletin](#) each month. There is an annual limit to the number of green cards available for each employment-based preference category and a limit to each country. Thus, when the demand is higher than the supply of visas for a given year in any given category or country, a backlog forms. When the Priority Date becomes available, or is “current,” immigrants may apply for adjustment of status or apply for an immigrant visa at a U.S. consulate/embassy to obtain lawful permanent resident status.

Whether the priority date is current depends on the applicant’s preference category, country of birth and any backlogs.

Below is a general summary of the categories and how Priority Dates work:

- **EB-1 Extraordinary Ability Person** – PD is the filing date of I-140. PD is typically current for this category since there are fewer qualified applicants, but it was unavailable for most of 2019 and 2020.
- **EB-1 Multinational Executive / Manager** – PD is the filing date of I-140. PD is typically current for this category since there are fewer qualified applicants, but it was unavailable for most of 2019 and 2020.
- **EB-2 Advanced Degree Professional** – PD is the filing date for the ETA 9089 (Labor Certification). PD availability for this category varies and has been retrogressed from many years for nationals of China and India.
- **EB-2 National Interest Waiver Person** – PD is the filing date of I-140. PD availability for this category varies and has been retrogressed for many years for nationals of China and India.

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- **EB-3 Professional Workers** – PD is the filing date for the ETA-9089. This category is typically backlogged.
- **EB-3 Skilled Workers** – PD is the filing date for the ETA-9089. This category is typically backlogged.

4. What are my responsibilities to stay legal and work authorized?

- You must keep your I-140 and other approval notices in a safe place. It is extremely difficult to replace an approval notice.
- You are required to notify USCIS of any address changes within ten days of your address change (unless you permanently depart the U.S. or become a U.S Citizen). This can be done electronically using [Form AR-11](#). A separate form is required for each family member.
- You are required to maintain a current passport for your entire period of authorized stay in the U.S. Check with your home country's consulate about the renewal process and apply early.
- You are responsible for keeping track of the expiration date of your status. You must notify your employer at least six months in advance of the expiration date if you wish to remain in the U.S. beyond the validity date so that an extension or some other appropriate action can be taken in a timely manner.
- You must notify your employer and attorney immediately if any material changes in your employment occurs. Your petition was approved for a specific employer and location, and certain material changes might require a new filing.

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