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Remedy for Denial of I-485 AOS

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Submitted by Chief Editor on Jun 7th 2016

Today I have got denial on my I-485. Reason stated was "According to Visa Bulletin in effect on the date this application was filed , a visa was not available based on your established priority date and specific preference category" My category is EB2. Date of filing for this category is 1st July 2009. My priority date is 10th December 2008. I filed 485 application on 1/19/2016 and got receipt notice on 1/29/2016 I did my finger printing on 03/16/2016 based on USCIS schedule I and my family members also got EAD on 03/23/2016 I was surprised to see today's denial reason. I filed 485 application based on Dates for Filing .e. 1st July 2009 for EB2 category. Not sure why they denied my case since Final action date is not current but I am sure I am eligible to file my application based on date of filing. Is there any way to appeal on this decision ? If appeal gets denied again is there any impact on my current H1B status ?

ANSWER:

FAQ: Remedy for denial of I-485 AOS ^[2]

Video Transcript: When you filed and the government says the priority date is not current then that's a question of fact. If they have mistakenly identified this petition as untimely filed you can definitely file an MTR (there is no appeal against an I-485 denial) and get it reopened, but if they are correct then have a lawyer review your case.

Note: This is a verbatim transcript of the referenced audio/video media delivered as oral communication, and, therefore, may not conform to written grammatical or syntactical form.

Green Card:

Employment Based Green Cards ^[3]

Form I-485 ^[4]

FAQ Transcript:

Note: This is a verbatim transcript of the referenced audio/video media delivered as oral communication, and, therefore, may not conform to written grammatical or syntactical form.

Unless the context shows otherwise, all answers here were provided by Rajiv [5] and were compiled and reported by our editorial team from comments and blog on immigration.com [6]

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Source URL (retrieved on 15 Aug 2020 - 17:58): <https://immigration.com/faq/employment-based-green-cards-form-i-485/remedy-denial-i-485-aos>

Links:

[1] <https://immigration.com/faq/employment-based-green-cards-form-i-485/remedy-denial-i-485-aos>

[2] <https://youtu.be/T-SOgot4lj4?t=2336>

[3] <https://immigration.com/greencard/green-card/employment-based-green-cards>

[4] <https://immigration.com/greencard/green-card/form-i-485>

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

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

[7] <https://immigration.com/JavaScript%3Aavoid%28%29%3B>