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# Out of Status

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Submitted by Chief Editor on Feb 10th 2010

How many months gap is permissible for H-1 and also in GC process if person is on H-1 ? I mean to say suppose one H-1 holder lost his job and if he got another job after 02 months ( Gap of 02 months ) then his H-1 and GC process will be effected ? His last co. is supporting by keeping her I-140 as such ( no revoke ) (Condition: Person has H-1 and his I-140 was also approved in last co. but due to some reason she left job and would like to join another co. on 3rd month, say after 02 months and would like to file H-1 in this new company )

### **ANSWER:**

A gap of even one day (unless excused by **USCIS**) puts a person out of status and is not permitted. When you leave a sponsoring employer, it certainly calls into question the continuity of existence the 'green card job'

**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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