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Can EB3 PD be carried to new EB2?

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Submitted by Chief Editor on Nov 4th 2010

I filed Perm under EB3 category on 1-Oct-2008. I got an audit. As per your current Perm dates, they are processing Aug'08 audits. Can I file with same employer under EB2? If yes, can I also keep EB3 file running parallelly. Is there a way for me to carry EB3 PD after I-140 Approval, if I file a new EB2? I completed 4yrs 2 months on H1B already. Please suggest me if I can change my employer now to file for EB2 or not. (If there is any way i can carry my EB3 PD for EB2 or not?). My lawyer said they can not change the current EB3 file to EB2 as they did not describe it for EB2 role.

ANSWER:

It is logically inconsistent for two jobs from the same company for the same individual. If you have a good, logical, true explanation, there is no law that says you cannot have two *PERM* apps for the same individual for different jobs with the same company. But you cannot transfer *PD* until the *I-140* is approved. I see no issue with changing jobs right away. You may have just enough time.

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

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