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H-1B and Green Card Transfer From a Non-Profit Organization to For-Profit

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Submitted by Chief Editor on May 3rd 2018

I am currently working for a Non-profit org on a cap-exempt H-1B. and my company initiated my GC processing. Below are the few questions:

1. Is the GC processing any different thru a non-profit from a for-profit organization? meaning, is it any advantageous to process my GC thru a non-profit?
2. Can my I-140 from a non-profit be transferred to a for-profit org, if I was able to move to a for-profit org?
3. What are the possible ways that I could move to work for a for-profit organizations? From your previous calls and thru my research I found out below few ways that I could do that.

Please give your inputs

- a. Finding a profit employer to file my cap-subject H1 (Can I start working for my new employer as soon as my H1b is picked in the lottery or approved, instead of waiting till Oct 1st?)
- b. If a new employer sponsor my cap-subject H1 and if I don't move to the new employer, will my current cap-exempt H1 be still active and should I have to go under the cap next time I file a Cap-subject H1
- c. applying for concurrent H1b
- d. Moving on to H4EAD and filing a H1b next April
- e. Joining a Masters CPT college and filing a Cap-subject H-1B next year

ANSWER:

Watch the Video on this FAQ: H-1B and green card transfer from a non-profit organization to for-profit ^[2]

Video Transcript

1. The answer is No. There is no advantage in going through for-profit or non-profit that's just irrelevant.
2. No, non-profit or for-profit does not matter you cannot transfer I-140s, you can transfer

priority dates unless your I-140 is based upon a National Interest Waiver or an EB-1A. Your green card can be transferred once your I-140 is approved and I-485 has been pending 180 days, then it doesn't matter what the nature of the organisation is.

3. a. I don't think there is any specific law on this issue. Technically, you can start working for them on receipt, but obviously you will only get a receipt if your case is picked up for the lottery. So if you have been maintaining H-1B status I believe you can start working for a cap subject employer as soon as your H-1 is picked up.

b. Absolutely. My guess would be if your H-1B cap subject H-1B is approved and it is not revoked till October 1st, I don't think you will be subject to a cap to work for a for-profit in the future. It shouldn't be revoked before October 1st and you should receive your change of employer. So in other words, you should get a new I-94 with the case because USCIS has been taking this position that just getting an H-1B approval does not put you over the top where you are safe from cap quota issues. They say unless you receive a change of status or go get a visa stamping till that time you are not exempt from the quota so you must also receive an I-94 which is a transfer of employer, but you can still continue working with the old employer.

c. Another way is applying for concurrent H-1B although it is a strange provision in the law where if you have a quota exempt H-1B as long as you maintain that without worrying about the quota you can also work on a concurrent H-1B for a quota employer.

d. Moving to H-4 EAD is not a good idea because in June they are going to announce the revocation of the H-4 EAD regulations according to the court.

e. Joining a Master's CPT and filing a cap yes, that's definitely an option.

More....^[2]

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.

Nonimmigrant Visas:

Status ^[3]

Transfer ^[4]

Change of status ^[5]

CPT ^[6]

OPT ^[7]

H-4 EAD ^[8]

I-94 ^[9]

H-1 Visa ^[10]

General Nonimmigrant Visa ^[11]

Green Card:

Form I-140 ^[12]

Form I-485 ^[13]

FAQ Transcript:

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Unless the context shows otherwise, all answers here were provided by [Rajiv](#) [14] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) [15]

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