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AC21 and losing job

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Submitted by Chief Editor on Mar 11th 2010

I am EB2 priority date Sep2005. I had lost my job in Apr 09. I started working on Dec09 with another company similar job description, in same geographic location and with 15% higher salary than labor approved. I was out of job for almost 8 months. My old employer has assured not to evoked approved I140 (more than 3 years since I 140 is approved) I have few questions: 1. Shall I file for AC21? 2. Is it advisable to send copy of current paystub with AC21, If yes how many months? 2. Is it okay to file AC21 without paystub for around 8 months? 2. If I don't file for AC21, will there be an issue travelling on AP at POE?

ANSWER:

AC21 should be filed. The fact that you were out of job for 8 months is irrelevant. As long as the jobs are same or similar, you should have no issues.

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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