

RETAIN PREVIOUS PRIORITY DATE

At times, an approved I-130 petition is returned by a Consular Post to the USCIS Service Center for additional review or revocation. It seems that Service Centers have not allocated the resources to review such returns and the review sometimes takes years. If you receive a notice of such revocation request, you may consider filing a new petition on Form I-130 and seek retention of the original priority date of the approved petition [that has been returned by a Consular Post].

The Vermont Service Center has recently noted that it will transfer the original approved petition's priority date, to a subsequent petition, if the following conditions are met:

- The same petitioner and beneficiary are the parties of both the original and subsequent petitions.
- The subsequent petition is for the same preference classification.
- The original petition has not been terminated pursuant to INA §203(g).
- The original petition has not been revoked pursuant to INA §205.
- An immigrant visa has not been issued to the beneficiary based on the original petition.

To facilitate transfer of the original I-130 petition priority date to a subsequent I-130 petition, please do the following:

- Write "**Duplicate Filing**" on the top of the I-130, and
- Include a clear written explanation of the basis for this request, and
- Provide a copy of the Notice of Action approving the original I-130.

With the new petition, you need to submit all supporting documents as if you are submitting the petition for the first time.