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Effect of Moving Abroad While Still on H-1B Visa

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Submitted by Chief Editor on Nov 9th 2017

I am staying here in the US from last 4 years 10 months and have I-140 approved (Received approval Jun '17). To fulfill personal commitments, I am going back to India in Dec '17 for some time however my H1B extension is still in progress (Filed in Aug '17). I am not sure whether the result will be out before my travel. My question is -

1. If I change the employer in India, is there any way I can come back? What all options I will have?
2. Can my new employer eligible to transfer my H1B from India in case current extension gets approved or RFE or Denial?

ANSWER:

Watch the Video on this FAQ: Effect of moving abroad while still on H-1B visa ^[2]

Video Transcript

1. Yes, I think you can keep that H-1B alive as long as that job is there.
2. Yes, as long as you have an H-1B approved in the last six years you can always transfer over to another employer and if your I-140 is approved for 180 days or more which in your case would be from June to December. So next year onwards you are entitled to have H-1 extensions through any employer as long as your I-140 remains unrevoked for 180 days. I don't see a problem you can have a transfer from India itself. 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:

Transfer ^[3]

H-1 Visa ^[4]

General Nonimmigrant Visa ^[5]

FAQ Transcript:

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Unless the context shows otherwise, all answers here were provided by Rajiv [6] and were compiled and reported by our editorial team from comments and blog on immigration.com [7]

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Links:

- [1] <https://immigration.com/faq/effect-moving-abroad-while-still-h-1b-visa>
- [2] <https://youtu.be/1oSVrcU8O4g?t=1147>
- [3] <https://immigration.com/visa/nonimmigrant-visas/transfer>
- [4] <https://immigration.com/visa/nonimmigrant-visas/h-visa/h-1-visa>
- [5] <https://immigration.com/visa/nonimmigrant-visas/general-nonimmigrant-visa>
- [6] <http://www.immigration.com/law-offices-rajiv-s-khanna-pc>
- [7] <http://www.immigration.com>
- [8] <https://immigration.com/JavaScript%3Avoid%280%29%3B>