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H-1 denial - options

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Submitted by Chief Editor on Nov 3rd 2009

I had applied for my H1B transfer from company A to company B. And I got query asking for last three months paystubs and Client letter. I had provided the paystubs but I didn't get the client letter. Though I got letter from primary vendor. And finally I got a denial notice. That denial is against the company B. It has three detailed reasons explaining the reason of denial. My question is should I go back to Company A(they have not cancelled my H1B) or should I look for another employer and file for new transfer.?

ANSWER:

It appears you had already started working for B. The denial puts you out of *status*. In order to go back to A, it is my view, you will need to go back to your home country, get a new H-1 *visa* stamp and come back (assuming A has not revoked your H-1). If they have revoked your H-1, they will need to also reapply for your H-1. Also search for "*unlawful presence*" on my blog or on immigration.com.

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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