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# H-1 for Canadian PR with J-1 issue

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Submitted by Chief Editor on Sep 28th 2010

I am presently in Canada on Canadian PR (and have an indian passport). An employer in Indiana (from a hospitality background) is interested in hiring me. 1. They have no clue abt H1B visa. How do I proceed? 2. I was on J1 from 2000 to 2001. I do not have a waiver. Will this affect my application?

### **ANSWER:**

If you have neither complied with the J-1 home residency requirement, nor obtained a waiver, you cannot get an H-1. Make sure you are indeed subject to the 2-year HRR. You may not be - then an H-1 is a possibility. Go here to ask *DOS* for an advisory opinion:

[http://travel.state.gov/visa/temp/info/info\\_1288.html](http://travel.state.gov/visa/temp/info/info_1288.html) <sup>[2]</sup>

**Unless the context shows otherwise, all answers here were provided by [Rajiv](#) <sup>[3]</sup> and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) <sup>[4]</sup>**

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### **Links:**

[1] <https://immigration.com/faq/h-visa/h-1-canadian-pr-j-1-issue>

[2] [http://travel.state.gov/visa/temp/info/info\\_1288.html](http://travel.state.gov/visa/temp/info/info_1288.html)

[3] <http://www.immigration.com/law-offices-rajiv-s-khanna-pc>

[4] <http://www.immigration.com>

[5] <https://immigration.com/JavaScript%3Avoid%280%29%3B>