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'My H-1B approved but stuck in a 34-month queue', Attorney shares legal fixes for missing form I-824

An Arizona-based H-1B applicant got USCIS approval—but never received the crucial I-797 notice. Months of delays, FOIA requests and stress followed, showing cracks in the US immigration system.

Written by [Aditi](#)

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H-1B Approved but Paper Missing: How a USCIS Delay Left an Arizona Worker in Limbo

When the H-1B approval came through, it should have been the end of a long process. The lottery had worked. The petition had been filed correctly. USCIS had approved it. But the approval notice never arrived.

Arizona based Ravi (name changed) was selected in the [H-1B lottery](#) for the 2025 fiscal year. His attorney had filed the petition on May 31, 2025. By July 27, USCIS had updated the case status to "Approved." The system showed it clearly. What never showed up was the physical approval notice — Form I-797. Neither the applicant nor the employer received it. At first, it seemed like a delay. Weeks turned into months, and what followed was constant mental strain and fear, made worse by the constantly changing US immigration stance.

H-1B approval delay: Following every rule, getting nowhere

USCIS instructions say that if an approval notice is not received by August 28, a service request should be filed. According to Ravi, his attorney did that on September 1. [USCIS](#) responded that the issue would be reviewed and that a reply would come by October 6. Nothing came.

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After waiting longer, the attorney filed Form I-824 on November 30, requesting a duplicate approval notice. At the same time, the applicant filed multiple FOIA requests, hoping the document would appear through official records. The FOIA response included the original I-129 petition. The approval notice was still missing. On paper, the H-1B existed. In real life, there was no way to show it in the form the authorities demanded.

When a missing H-1B document becomes a real problem

The situation turned serious when Ravi's [Arizona](#) driver's license neared its expiry date. He went to the Arizona MVD multiple times. They carried everything they had, including an employer letter, the H-1B receipt notice, and screenshots of the USCIS approval status. But none worked. He recalled being told that, without the physical I-797 approval notice, the license could not be renewed. SAVE verification did not help without it.

STOCK ACTION

The H-1B was approved. But without the right piece of paper, it might as well not exist.

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By this point, the applicant said they were exhausted. They had followed every instruction, and still had no way to prove his status in a way the DMV would accept.

Why getting a duplicate approval is so difficult?

According to the Virginia-based Immigration attorney Rajiv Khanna, the official route for a missing approval notice is Form I-824. The problem is the timeline. USCIS lists processing times for I-824 between 16.5 and 34.5 months. For someone who needs to work, travel, or complete basic documentation, that wait is not practical.

“As a practical matter, there are several alternative approaches. For cases that were filed under premium processing, we have been able to request and obtain duplicate approval notices by contacting USCIS via email. USCIS customer service can sometimes send a duplicate, though their responses are inconsistent; success depends on the particular officer handling the request. Contacting your local member of Congress is another avenue that can sometimes expedite a response from the agency. If all else fails, filing a federal lawsuit is always an option. In our experience, the government will often settle as soon as a Complaint is filed or even credibly threatened. Finally, refiling the H-1B petition entirely remains a possibility, though this is an expensive option that most would prefer to avoid,” Khanna told Financial Express.

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Khanna explained that the absence of a physical I-797 does not affect the legal validity of the H-1B. If USCIS approved the petition, the status exists in the system. The problem is practical, not legal. "Note that the legal status itself is not in jeopardy if the petition was genuinely approved. The approval is a matter of record in USCIS systems. The problem is entirely one of documentation and proof," Khanna told Financial Express.

What people in this situation do?

Khanna advised keeping records of every attempt to fix the problem, service requests, FOIA filings, emails, and responses. Electronic approval records from a USCIS online account should also be saved and printed. While they are not always accepted, they can still help in certain situations. Most importantly, different options should be pursued at the same time.

"Given the inconsistency of USCIS responses, contact customer service, reach out to your local Congressman's office, and, for premium processing cases, attempt the email route for a duplicate. Do not wait for one avenue to fail before trying another," Khanna said.

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According to him, if travel or visa stamping is involved, reaching out early to the consulate may help. When time is critical, and nothing moves, legal action may actually be faster and less costly than starting over.

In the end, the case is less about one missing document and more about a system that stops working the moment paperwork goes astray. As immigration attorney Rajiv Khanna puts it, " this situation exemplifies one of the many broken processes in our legal immigration system. The employer has spent thousands of dollars on legal fees, filing fees, and often premium processing fees to secure this approval. The government has approved the petition. Yet the employer cannot start the worker because they cannot complete the Form I-9 without the physical approval notice. American businesses are left waiting, their operational needs unmet, while a document sits in some administrative queue. The formal remedy, Form I-824, takes up to 34.5 months. This is bureaucratic dysfunction that directly harms US employers and the economy they drive "

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