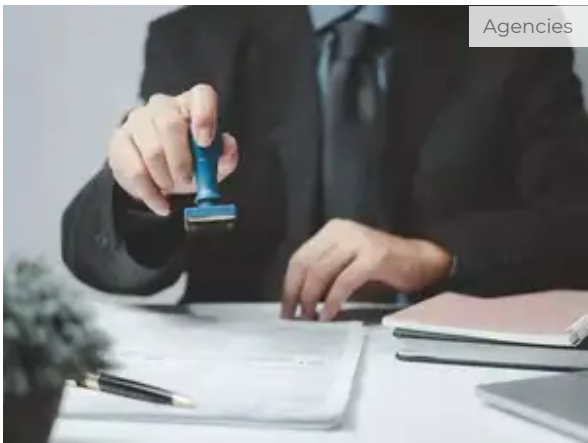


# Laid-off H-1B workers face deportation notices despite 60-day grace period

## Synopsis


Many H-1B visa holders in America are facing deportation. These people lost their jobs. They are within the 60-day grace period. But they are receiving Notices to Appear. Immigration experts say this violates existing policy. The Department of Homeland Security is sending these notices. This creates confusion and distress. Lawyers urge USCIS to clarify its position.



Several laid-off [H-1B visa holders](#) in the United States are receiving Notices to Appear (NTAs) the first step in [deportation](#) proceedings, even while they are within the [60-day grace period](#) legally granted after job termination. Immigration experts say this move goes against existing [USCIS policy](#) and is causing confusion and distress among affected workers, as per a report by Lubna Kably published in the *Times of India*.


Sameer Khedekar, immigration attorney and founder of Vanguard Visa Law, said, “Upon lay-off, a 60-day grace period is available to an H-1B visa holder who either transfers the H-1B status to a new employer or applies to change his/her visa status before the grace period ends. However, increasingly the [Department of Homeland Security](#) is sending NTAs in immigration courts. This is happening even when the laid-off H-1B worker has a change of status application pending.”

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## USCIS policy guidance under scrutiny

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Immigration attorney Rajiv S. Khanna pointed out that [USCIS](#) guidance, issued on February 28, directs that NTAs should only be issued after an unfavourable decision and when the individual is out of lawful status. “Recent cases demonstrate

USCIS improperly issuing NTAs to individuals who remain in ‘authorised periods of stay’, including those with pending change of status applications,” he said.

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As per Lubna's report, he cited the example of an H-1B worker who had applied for a change of status to a B-2 visitor visa within the grace period, yet received an [NTA](#) before USCIS had ruled on the application. “If you have a properly filed, non-frivolous application pending, you should be considered in ‘authorised stay’ for unlawful presence purposes. Despite this, we are seeing a significant volume of NTAs,” Khanna added.

### NTAs on the rise since February

According to a recent USCIS disclosure, approximately 1,840 NTAs are being issued each week since February 2025. Legal experts say a large number of these cases involve individuals who appear to be in compliance with USCIS rules, raising questions about how these decisions are being made and reviewed.

### Earlier guidelines offered status change options

Under prior guidance from the Biden administration, H-1B workers laid off by their employers were encouraged to change their status during the 60-day window. Options included switching to dependent status if the spouse held an H-1B or L-1 visa, applying for student status (F-1), or converting to a visitor visa (B-1/B-2). However, this guidance has not been updated in recent months, and no new instructions have been issued.

### Legal risks and long-term impact

Once an NTA is filed with an immigration court, deportation proceedings begin and the individual is considered to be unlawfully present. This can lead to serious consequences, such as future visa ineligibility or re-entry bans.

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In addition to losing employment, many H-1B workers now face legal uncertainty and the risk of deportation, despite following existing legal procedures. Immigration attorneys have urged USCIS to clarify its position and halt improper issuance of NTAs during authorised stay periods.

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