


Laid-Off H1B Visa Holders in US Get Deportation Notices Before 60-Day Grace Period Ends

 moneycontrol.com/jobs/laid-off-h-1b-workers-get-deportation-notices-before-60-day-grace-period-ends-article-13318983.html

Many laid-off H-1B workers are getting deportation notices before their 60-day grace period ends. Lawyers say this violates USCIS policy and are calling for urgent clarification.



Several laid-off H-1B visa holders in the United States are receiving Notices to Appear (NTAs), the first step in deportation proceedings even though they are still within the 60-day grace period legally granted after job termination. Immigration lawyers and experts say this move violates existing policies issued by the U.S. Citizenship and Immigration Services (USCIS) and is causing confusion and distress among those affected.

Immigration attorney Sameer Khedekar, founder of Vanguard Visa Law, said the 60-day grace period is intended to allow H-1B workers to either transfer their status to a new employer or apply for a change of status. However, he noted that the Department of Homeland Security (DHS) is increasingly sending NTAs to immigration courts even when a laid-off H-1B worker has a change of status application pending.

USCIS policy guidance, issued on 28 February, states that NTAs should only be issued after a denial decision and when the individual is out of lawful status. Immigration attorney Rajiv S. Khanna highlighted that recent cases show NTAs are being issued prematurely, even to individuals in authorised periods of stay, including those who have pending change of status applications.

Khanna pointed to an example of an H-1B worker who applied for a B-2 visitor visa during the grace period and still received an NTA before USCIS ruled on the application. He explained that if a non-frivolous application is properly filed and pending, the person should be in authorised stay and not unlawfully present. Despite this, a significant number of NTAs are reportedly being issued.

A recent USCIS disclosure shows that around 1,840 NTAs have been sent out each week since February 2025. Legal experts say many of these appear to involve people who are still in compliance with USCIS rules, raising concerns about how these cases are being assessed and processed.

Earlier guidance from the Biden administration had advised H-1B workers to explore status change options within the 60-day period, such as switching to dependent status (if a spouse held H-1B or L-1), student status (F-1), or visitor visa status (B-1/B-2). However, no new updates have been issued recently, and lawyers say the current situation contradicts this earlier approach.

Once an NTA is issued and filed in immigration court, deportation proceedings begin. The affected individual is then considered unlawfully present in the U.S., which can lead to long-term consequences such as visa ineligibility or bans on re-entering the country.