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H-1B 60 days grace period explained

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Submitted by Chief Editor on May 9th 2017

Lost job recently. Was working on H1B. I am trying to understand how much time I have effectively to find another job and have the H1B filed by next employer. Is it necessary that the H1B ?start date? in the I-129 petition be within the 60-day mark (the grace period) from the last day of job in order for USCIS to grant H1B approval after a layoff?

ANSWER:

[Watch the Video on this FAQ: H-1B 60 days grace period explained](#) ^[2]

Video Transcript

The 60 day grace period is not a right, it is something you ask the government for. If you got unexpectedly laid off or something of that nature happened beyond your control you can request the government when to file for an H-1 transfer even though you were out of status for 45 to 50 days. You should request the government to give you status without having to leave the USA. Once you file the application and get a receipt you can start working. AC21 does protect you under this rule. [More](#) ^[2]

Note: This is a verbatim transcript of the referenced audio/video media delivered as oral communication, and, therefore, may not conform to written grammatical or syntactical form.

Nonimmigrant Visas:

[Change of status](#) ^[3]

[AC21 H-1 Portability](#) ^[4]

[General Nonimmigrant Visa](#) ^[5]

[H-1 Visa](#) ^[6]

FAQ Transcript:

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Unless the context shows otherwise, all answers here were provided by [Rajiv](#) [7] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) [8]

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Links:

- [1] <https://immigration.com/faq/h-1b-60-days-grace-period-explained>
- [2] <https://youtu.be/sx09LlkPY0U?t=407>
- [3] <https://immigration.com/visa/nonimmigrant-visas/change-status>
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