



Published on *US Immigration Lawyer, Law Offices of Rajiv S. Khanna, PC, Rajiv S. Khanna* (<https://immigration.com>)

Applying for H-4 Status while H-1 is Pending

Applying for H-4 Status while H-1 is Pending ^[1]

Submitted by Chief Editor on Jul 14th 2017

I got H1B approval from company 'A' till Oct 2015, filed H1B extension in May 2015. As there were no updates, changed extension regular case to premium and got RFE in 2016. Before responding to RFE got to know that company 'A' has some issues and no one was responding from company 'A'. So before 240 days completion of I-94 got visa transfer with company 'B' in a premium process. Now my H1b is in security check with company B. My Both H1b cases/receipts are still in pending status. I applied for H4 visa now within the USA and if any of my H1B cases get declined. Can I stay on my H4 visa receipt?

ANSWER:

Watch Video on this FAQ: Applying for H-4 status while H-1 is pending ^[2]

Video Transcript

Looks like you are basically in an authorized period of stay because your approval was only good till October 2015. They will not give it to you. You are better off going outside the USA for visa stamping. You should have your H-1 lawyers call the U.S. attorney's office and see if they can talk with the prosecuting attorney and get some kind of a letter or an email from them that that would make your approval possible because you have not committed anything wrong. You just happen to be caught in a case which is either being investigated or prosecuted. If it is being investigated there isn't much you can do, but if it is already being prosecuted and it's already in court you might be able to get around this problem because even if you go for H-4 visa stamping if there is a red flag ON you, you might have trouble getting H-4 visa stamping. 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:

H-4 Visa ^[3]

H-1 Visa ^[4]

General Nonimmigrant Visa [5]

FAQ Transcript:

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.

Unless the context shows otherwise, all answers here were provided by Rajiv [6] and were compiled and reported by our editorial team from comments and blog on immigration.com [7]

Add new comment [8]

Source URL (retrieved on 19 Sep 2020 - 07:13): <https://immigration.com/faq/applying-h-4-status-while-h-1-pending>

Links:

[1] <https://immigration.com/faq/applying-h-4-status-while-h-1-pending>

[2] <https://youtu.be/B2Z8-1oExJM?t=970>

[3] <https://immigration.com/visa/nonimmigrant-visas/h-visa/h-4-visa>

[4] <https://immigration.com/visa/nonimmigrant-visas/h-visa/h-1-visa>

[5] <https://immigration.com/visa/nonimmigrant-visas/general-nonimmigrant-visa>

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

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

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