

H-1B Visa Denied and Petition Sent for Revocation

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Submitted by Chief Editor on Sep 13th 2017

I went to the US in May 2014 on H1-B working for Employer A. In Feb 2016, I moved to work for Employer B (small US based company, on other offices) with H1-B transfer receipt. The new job was remote work, so I started working from home for Employer B. I received RFE in April 2016 and I went to India the same month. While I was in India, the transfer got approved in June 2016 and I came back to the US with the approval notice as proof. My visa was getting expired in Sep 2016, so extension was filed with Employer B. The extension also got approved after RFE and extended till Sep 2019.

Current Situation:

Now, I came to India in Jan 2017 for my marriage. I went for visa stamping in Delhi with my wife (for H4) in Feb 2017. The visa officer asked me about my Role, client, and other common questions which I answered correctly. VO then collected my documents (I-129, client letter etc) and handed me 221(g) letter saying that he needs some time to review the documents. We left the embassy and the wait started. In March 2017, I received an email from embassy asking for the latest LCA which I promptly provided. After that there was no response for a few months, and I started working from India in US hours. Since my employer is a small company, they did not hire any attorney and did the processing themselves. They also did not seem to put any effort to expedite or help the process. In July 2017 (after 5 months), I received a call to collect the passport. On collecting the passport, the stamping was not done and I received a letter stating that my stamping is being refused and visa is sent to consulate for revocation. This came as a shock. I notified my employer, they were disappointed and did not know what can be done about this case. When I enquired, they said they don't want to spend more resources on this case and are fine with me continue working from India (reduced salary).

1. Is it possible to have the case reconsidered and to know the exact reason for refusal? If yes, how would I go about it without the support of my employer?
2. If this is only for stamping, how long will my extended visa be valid? Can I try the stamping again with this employer or find a new employer from India and use the same visa with them?
3. What happens to my assets (personal stuff, bank accounts, etc) in US?
4. If I can legally work for the same employer, how does it affect my taxes? Do I now pay taxes in India and in US both? Since when I can be considered liable to pay tax in India (when I came to India or stamping refusal date etc)?

ANSWER:

Watch Video on this FAQ: What are the options of an H-1B visa denied and a petition sent for revocation? ^[2]

Video Transcript

1. Not until a notice of intent to revoke is sent.
2. This case is going back to USCIS.
3. You can always get the assets back. You can try getting a tourist visa that's one way to do it. Second is to send somebody a power of attorney. You can get together with lawyers of the state where your assets are and get a proper power of attorney made out in the name of a friend. They can take care of it for you.
4. I guess in India the answer is yes. But you don't have to pay taxes both in India, as usual, there is a relief available for people in your situation, but I am not a tax expert, you need to talk to a Chartered Accountant in India. [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.

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FAQ Transcript:

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Unless the context shows otherwise, all answers here were provided by [Rajiv](#) ^[9] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) ^[10]

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Links:

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