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When Does One Become H-1B Cap Exempt?

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Submitted by Chief Editor on Dec 13th 2017

ANSWER:

Watch the Video on this FAQ: When does one become H-1B cap exempt? ^[2]

Video Transcript

The first principle is if you are in the United States and you do not get a change of status you are not exempt from the quota. The second principle is if you are outside the USA and you don't get a visa stamp you are not exempt from the quota. Now in both these cases whether you join the job or not is irrelevant. So the third principle is whether you are joining the job or not is irrelevant.

If you are in your home country you must get a visa stamp if you don't, you are not exempt from the quota. If you are in the USA you must get a change of status otherwise you are not exempt from the quota. Hence principal number four is that if your approved H-1 is revoked before October 1st then you are still subject to the quota and the last principle is if your H-1 is revoked for error or for fraud or misrepresentation you are still subject to the quota.[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:

[1] <https://immigration.com/faq/when-does-one-become-h-1b-cap-exempt>

[2] <https://youtu.be/DluNvtAywE?t=66>

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

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