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Changing Jobs While H-1B RFE Is Pending

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Submitted by Chief Editor on Jul 12th 2018

I have question for H1 transfer. I am working in USA from 2006 and changed 2 employers till now. My current H1B petition is valid till June 27,2018. I have my labor and I 140 approved with EB2 priority date of April 2010.I am working as contractor to the client in Bay area, California and employer is based in Ashburn Virginia. I joined this client as contractor in April this year so my employee filed H1B extension and amendment together in April. We moved this case to premium in early May and USCIS sent RFE on my case. My company attorney is working on the documents i submit for RFE response. My contract is only till August and I received client letter which states the same end date with further possibly of extension. This client wants to hire me as their full time employee. I have offer from another Healthcare client , however I am not sure if I can transfer my H1 to the new employer/client when RFE with the current employer is in process.

ANSWER:

Watch the Video on this FAQ: Changing jobs while H-1B RFE is pending ^[2]

Video Transcript

A possible situation is that your original approved H-1B still has time left on it. So let's say you got the H-1B approval till December of this year and you have an RFE pending so technically you still have the old petition alive and well almost. If you file for a transfer, chances are as long as your pending filing was not inappropriate government will accommodate and will allow you to go on to employer B, C, D or E as you please even with the pending case. 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-1 Visa ^[3]

General Nonimmigrant Visa ^[4]

Immigration Law :

RFE [5]

FAQ Transcript:

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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]

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Links:

[1] <https://immigration.com/faq/changing-jobs-while-h-1b-rfe-pending>

[2] <https://youtu.be/zuTMudeBaMw?t=929>

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

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

[5] <https://immigration.com/law/immigration-law/rfe>

[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>