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H-1B Petition Revocation During Visa Process/Reaffirmation

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Submitted by Chief Editor on Jul 27th 2018

I had my H1 visa extension stamping appointment on Feb 21, 2018. Initially it was put under Administrative Processing and later on May 23rd my petition was send back for revocation. As per the inquiry with embassy they told me that "Based on the documents you submitted and the information elicited in your interview with a consular officer, you were determined ineligible for an H1B work visa. Your petition was returned to the Kentucky Consular Center (KCC) on May 24. Currently H1 status website shows KCC received the application on June 8. Once KCC receives a petition, it is returned to the approving USCIS office for review and possible revocation. At this point, USCIS can either reaffirm the petition or issue a notice of intent to revoke it. What are the options available with me now?

ANSWER:

Watch the Video on this FAQ: H-1B petition revocation during visa process/reaffirmation ^[2]

Video Transcript ^[2]

In a case where you got your H-1B approval but you have travelled outside the USA and you need a visa, you go to the US consulate for visa stamping. They put you in administrative processing and discover something which often is unjustified frankly and sometimes can be justified, gives them some reason to send the case back to the USCIS saying that the case needs to be revoked and that can take a few months (5-6 months). Then USCIS will issue a notice of intent to revoke which would be sent to your lawyers as well as to your employer that says we found out this information through the consulate and it looks like this case needs to be revoked. You have 33 days to respond to USCIS and justify why they shouldn't revoke it. Once the employer responds to it and if USCIS finds out that the case is really approvable and the consulate is mistaken, they reaffirm the case and send it back to the consulate. This whole thing can take months and even a year.

The option would be to file another H-1 through another employer or with the same company that is if this was not a quota H-1 and there is no fraud, etc., involved.[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:

[Quota](#) ^[3]

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[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-petition-revocation-during-visa-processreaffirmation>

[2] <https://youtu.be/Dv88GGO5G8I?t=696>

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

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

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

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

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

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