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# Does withdrawing a timely filed application/petition with the USCIS lead to unlawful presence?

## Does withdrawing a timely filed application/petition with the USCIS lead to unlawful presence? <sup>[1]</sup>

Submitted by Chief Editor on Feb 12th 2020

1. Can I just withdraw the whole petition? and go out of the country and travel back on H4 2. Will withdrawing the "Extension+Amendment" petition without responding to the RFE make my presence UNLawful for the last 11 months. (I-94 Expired Dec 2018 last year) because I worked on the client on their new address without an approved amendment?

### **ANSWER:**

[Watch the Video on this FAQ:](#) <sup>[2]</sup>

[Does withdrawing a timely filed application/petition with the USCIS lead to unlawful presence?](#) <sup>[2]</sup>

Video Transcript

In amendment case there is no 240 day limit. You can keep working as long as the file is active. 240 days is only extension.  
[FAQ in detail...](#) <sup>[2]</sup>

**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:**

[Extension](#) <sup>[3]</sup>

[H-4 EAD](#) <sup>[4]</sup>

[I-94](#) <sup>[5]</sup>

[H-1 Visa](#) [6]

## 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](#) [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/does-withdrawing-a-timely-filed-applicationpetition-uscis-lead-unlawful-presence>

[2] [https://youtu.be/eXRtg1f\\_1R8?t=1538](https://youtu.be/eXRtg1f_1R8?t=1538)

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

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

[5] <https://immigration.com/visa/nonimmigrant-visas/i-94>

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

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

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

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