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Unstamped H-1B Quota Exemption

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Submitted by Chief Editor on Sep 25th 2020

I had an H1B from my previous employer that was valid from Dec 2016-Dec2017. I never got the visa stamped and it has complete 6 years unused on it. The question I need your help with is if an employer files H1B for me, would it be eligible for Cap-Exempt processing or not?

ANSWER:

[Watch the Video on this FAQ: Unstamped H-1B quota exemption](#) [2]

Video Transcript

The government may be pushy on this issue, but they do maintain that if you have not received a change of status for example from F-1 to H-1 or an H-1B visa stamp. If you are outside the USA you are still subject to the quota. I think they are legally wrong. So the bottom line is you should try to go ahead and give it a shot and I don't think the government is in a legally defensible position.

[FAQ in detail...](#) [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]

[Change of status](#) [4]

[H-1 Visa](#) [5]

[General Nonimmigrant 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:

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- [2] https://youtu.be/w_gMamwU3Xw?t=777
- [3] <https://immigration.com/visa/nonimmigrant-visas/quota>
- [4] <https://immigration.com/visa/nonimmigrant-visas/change-status>
- [5] <https://immigration.com/visa/nonimmigrant-visas/h-visa/h-1-visa>
- [6] <https://immigration.com/visa/nonimmigrant-visas/general-nonimmigrant-visa>
- [7] <http://www.immigration.com/law-offices-rajiv-s-khanna-pc>
- [8] <http://www.immigration.com>
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