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OPT - H4 - H1

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Submitted by Chief Editor on Apr 18th 2011

I am currently on OPT, expiring on 23 May 11. I am currently working but my current employer is not willing to file for my visa and I am unable to find an employer who can file for H1B. I have following questions: 1) If I am not able to find a company-how much time ahead of my visa expiration I will have to file for H4? 2) How difficult it is for an employer file for H1 from H1 and what is the process? 3) If I have to travel out of country before the OPT expiration-do I need to have another visa approved to re enter before my OPT expiration?

ANSWER:

1. Your H-4 application must reach *USCIS* before expiration of your *OPT* (although it could be argued that you have an extra 60 days, but I stay away from having to argue).
2. No different than filing a new H-1.
3. You could have a difficult time entering if cutting too close the end, although, legally you are entitled to it as long as you have a job in your field that you have been performing on your *OPT*.

Unless the context shows otherwise, all answers here were provided by Rajiv ^[2] and were compiled and reported by our editorial team from comments and blog on immigration.com ^[3]

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