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# H-1B Quota and the "Reminder Option"

## H-1B Quota and the "Reminder Option" <sup>[1]</sup>

Submitted by Chief Editor on Jun 19th 2013

I have H-1B stamped valid till March 2014 and I am in India right now. My current employer laid me off and cancelled my petition. I have got a call from a consultant that they can file a new petition in premium category against my exiting stamped visa under cap exempt category even if my current petition is already cancelled. Can I use my H-1B in this way even if my petition is cancelled by my earlier employer and me being available in India .

### **ANSWER:**

There are two parts to your question. Are you subject to H-1 quota? The answer is no, not until you have been physically outside USA for a year. Even after that, you may have the "remainder option." Second, can you use the same visa stamp to travel? The answer is after your H-1 approval, consulates want you to come in for stamping again.

**Unless the context shows otherwise, all answers here were provided by [Rajiv](#) <sup>[2]</sup> and were compiled and reported by our editorial team from comments and blog on [immigration.com](https://immigration.com) <sup>[3]</sup>**

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### **Links:**

[1] <https://immigration.com/faq/h-1-visa/h-1b-quota-and-reminder-option>

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