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Work for Old Employer When New H-1 Transfer Approved

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[1]

Submitted by Editor on Dec 5th 2014

ANSWER:

See clip from Attorney Rajiv S. Khanna's conference call video that addresses this question.

<https://www.youtube.com/watch?v=3YV-qlIAEpl#t=2372>[2]

FAQ Transcript

The Answer to the question that is often asked: I am working for an employer on H-1B, my transfer to another employer, let's call other employer 'Y' gets approved. I am working for 'X', 'Y' gets approved and can I continue working for 'X'. The answer is 'Yes'.

Under immigration law, approval of the second case does not over rule your previous H-1 approved. If you choose not to join them or join them 6 months later, I think it is OK. However, if you have signed any contract with employer 'B' or employer 'Y' in this case. Just make sure you are not violating any contract issue.

Under immigration law, I don't see any problem for you to continue working for employer 'A'. How long that's very difficult question to answer. I would say commercially reasonable period of time. Technically, under the law there is no limit to how long you can continue. If you have joined after 6 months, 7 months, 4 months or 5 months, USCIS can raise an objection, as to if the second employer really had the job through. Don't continue too long, there is no legal limit here established.

Nonimmigrant Visas:

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Unless the context shows otherwise, all answers here were provided by [Rajiv](#) [5] and were compiled and reported by our editorial team from comments and blog on immigration.com [6]

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

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