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Can I postpone H-1 status

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Submitted by Chief Editor on Feb 17th 2015

Currently I'm on L-1A status and it expires in *** hence my employer is planning to file new H-1B this April not change of status. Here are my questions...

- 1) If I get H-1B this April, is it mandatory to work on H-1B from Oct 01, 2015?
- 2) Shall I continue with L-1A status until it expires and then can I change to H-1B?

ANSWER:

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

https://www.youtube.com/watch?v=xv_vI7O0d4U#t=441^[2]

FAQ Transcript:

The answer to the first question is it can be done. When you apply for an H-1 do not apply for a change of status. That's up to you. You can tell the employer and make sure you talk to the lawyers. Just say you want an H-1 approval but I do not want change of status. Come October 1st you don't automatically get on to H-1 but stay on L-1 and you can continue working on L-1 and whenever you are ready you can go outside get visa stamping and come back or apply for change of status within US to H-1 which is like doing the H-1 all over again but you are not subject to the quota.

Nonimmigrant Visas:

[Quota](#) ^[3]

[H Visa](#) ^[4]

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

[L Visa](#) ^[6]

[L-1 Visa](#) ^[7]

[L-1A Visa](#) ^[8]

Unless the context shows otherwise, all answers here were provided by [Rajiv](#) ^[9] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) ^[10]

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