

NRI Helpdesk: How long can I stay outside the US without losing my Green Card?

Synopsis

For our NRI readers, we have started an immigration helpdesk. Write to us at nri.economictimes@gmail.com and our team of experts will address the most pressing issues.



iStock

Representative Image

RELATED

NRI Helpdesk: Are you eligible to become a naturalized US citizen?

Canada has an \$85 million budget to make sure you get your work permit faster

As UK shuts the golden visa route, here are three alternatives for investors

With immigration rules constantly changing with the pandemic situation, it is difficult to keep up to date with it all.

For our [NRI](#) readers, we have started an immigration helpdesk. Write to us at nri.economictimes@gmail.com and our team of experts will address the most pressing issues.

**Please note that questions have been edited and/or clubbed so that we can address similar queries at once and that the answers are clear and relevant to our audience.*

My son and I are [H-4](#) holders. In 2019 we did our visa stamping in India. But due to corona, we could not go to the USA. My husband is still in the USA. Could we be eligible for a Dropbox visa? If we are eligible for Dropbox, should we be there physically for stamping or not.

If your visa has not expired more than two years ago, you are eligible for Dropbox. The idea of Dropbox is that you don't have to appear for personal interviews in the US consulate.

There was an announcement in November regarding L-1 Workers spouses Work authorization. So wanted to check if any further announcements have been made and if they have started implementing the law. Any information on

ETPrime

Super Saver Sale

More Savings on Exclusive, Insightful ET Prime Stories

Flat 30% Off

VIEW PLANS

Recommended by

The US Customs and Border Protection ([CBP](#)) has already implemented the issuance of arrival departure records (Form I-94) for L-2 visa holders marked with “S” indicating spousal status. If you have received such an I-94, you do not need to apply for employment authorization. The rest of the implementation for L-2 holders already in the United States has not yet been announced as of the date of this comment.

May I know the process for applying for EAD for L2 visa holders? How soon can we apply for EAD after entering the USA and how long will it take to get EAD as per the latest immigration rules?

Obtaining employment authorization is a multiple-month process. It may be easier to step outside the US and enter with the new I-94, which allows employment just because you possess such an I-94. Please refer to my previous comment above.

I have the below questions for you. Could you please answer these for me?

Let's say I am Indian, and I moved to another country, say Canada after filing for H-1B registration. Can my visa and interview be done from another country?

If the US consulate in the country of application is open, you can apply for an H-1B visa from anywhere in the world.

How long can I postpone my travel to the US after visa approval and stamping are done? Can I go after a year or 2 years? And should I go with the same employer after a year or 2 years also? Or can I go with another employer with this visa?

Theoretically, there is no limit on how long you may delay your entrance into the United States within the life of your existing H-1B visa. We have had cases of delayed entry of two years or more. Note, however, that there must be a reasonable explanation for why you are joining late. An employer is not allowed to just “park” an H-1B. There must be a genuine job available. The same explanation should be forthcoming if you delay your visa stamping. I would strongly recommend that you speak with your lawyers before making firm plans.

How long should I be working under an H-1 B-sponsoring employer before I switch to another employer in the US?

ETPrime

Super Saver Sale
More Savings on Exclusive, Insightful ET Prime Stories

Flat 30% Off

VIEW PLANS

that is no waiting period involved. You could change your jobs as early as you like. Under US immigration laws, an H-1B employer can do little to stop you from changing jobs. In fact, the Wage and Hour Division (WHD) of the US Department of Labor can initiate an investigation upon your complaint if an employer tries to coerce you. Some employers may resort to lawsuits based upon documents that you have signed or promises that you have made. That is an issue to be discussed with employment lawyers. WHD May be persuaded to sanction an employer's exploitative lawsuits. In my opinion, employers suffer greater legal vulnerability than employees if a complaint with the WHD is filed.

I am a US [green card](#) holder. I traveled from the US in September 2021 and am currently in India. I need to stay here longer due to personal reasons. How long can I stay outside the US without my GC being affected? Alternatively, would it suffice if I pay a week's visit to the US before March 2022?

If you are outside the US for more than one year, under normal circumstances, your green card is presumed to be abandoned. Any continuous stay outside for more than six months subjects you to a higher degree of scrutiny. Ideally, your stay outside should be less than six months and your permanent residence should (such as the location of the office you report to) remain in the US. The facts and recommended courses for each case are different. Because a green card is a valuable benefit, I recommend you discuss your case with competent counsel.

I went through this article dated May 10, 2021 with the title. "[Will your B-1 B-2 visas get canceled at the airport?](#)" This is exactly what happened to my parents today at the US airport. I have filed for their extension and got the receipt notice. Before the adjudication, they traveled back to India. Next time they came and traveled back within 6 months. Now, this time CBP canceled their [B2 Visa](#) for the reason that we filed for an extension in the past. Is there any option to handle this situation? Can you please advise me?

I believe this type of cancellation is against the standard operating procedures of the State Department, the authority that issues visas. Contact your legislative representative.

You can contact EITHER a member of the House of Representative OR Senator (not both):

- For your Representative, [Check here](#)
- For your Senator, [Check here](#)

From the above links, go to your legislator's webpage and look for the "Services" (or "Help Center") tab. Under "Services," look for the option on "Help with a Federal Agency" (or something along these lines). You can also search "Help with Federal Agency" in the legislator's web page search bar.

You will likely need to fill out an authorization or privacy release form. Please note that each legislator will generally have their own version of the form, as well as their own instructions for completing and submitting the form to their office.

ET Online



Rajiv Khanna, Managing Attorney, Immigration.com

The author's views do not necessarily represent the views of ET Online nor do they constitute legal advice or representation. Practice tips provided in the written materials are based on the author's experiences and the current state of the law and regulations. Please be sure to conduct legal research and analysis, or engage independent counsel for your unique situation as the law and requirements change quickly and the author's experiences may differ from your

ETPrime

Super Saver Sale
More Savings on Exclusive, Insightful ET Prime Stories

Flat 30% Off

VIEW PLANS