

# Fresh H-1B After 6 Years

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Submitted by Chief Editor on Mar 28th 2013

I possess a US Master's Degree in Computer Science and also worked in the US for 7 yrs, 6 of them on H-1 which expired on May 31, 2012. I have since been in India and will complete 12 months of physical presence outside the US in early June 2013. I do have an employer ready to petition on my behalf on April 1st but could you please help shed some light on: 1. Given my past H-1 stay in US, am I subject to either cap of 65,000 or 20,000? If neither, can petition be filed anytime of year after 4/1? Since 12 mos. of physical stay in India will complete in June, can petition be filed on April 1st? 2. Does 12 month rule of physical stay outside the US apply if my current employer were to petition an L-1?

### **ANSWER:**

1. You will be subject to quota and USCIS will not accept the filing until one year is over.
2. Being outside for one year does give a fresh start on the L-1 times as well. And, L-1 are not subject to quota.

**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](#) <sup>[3]</sup>**

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