



## What are the options available for H-1B visa holders stuck in India

Delays in visa appointment scheduling are affecting not only H-1B visa holders but also H-4 dependents, L-1/L-2 employees, and F-1 students.

Written by: Sunil Dhawan | March 24, 2026



The emergency request system allows applicants to request expedited appointments, but it is discretionary and typically granted only in cases of medical, humanitarian, or significant business need. (Bloomberg)

After arriving in India in December. Holders with H-1B visas are now ‘stranded in their home country’. That’s because visa appointments have been cancelled and rescheduled as communicated by the US embassy in India.

“It is not just H-1B visa holders. We are seeing H-4 dependents, L-1/L-2 employees, students on F-1, and even others who need visa stamping getting stuck in India due to appointment delays,” says Navneet S. Chugh, Attorney, C.P.A., Chugh, LLP.

What are the options available to H-1B visa holders who find themselves stuck in India? “Their main options are to wait for regular appointments or try for an expedited appointment or emergency request, or in some cases, look at third-country stamping.

The emergency request system allows applicants to request expedited appointments, but it is discretionary and typically granted only in cases of medical, humanitarian, or significant business need. Many H-1B cases do not easily qualify,” says Chugh.

### Expedited Appointment

If you have an unforeseen travel need as per one of the specific listed criteria, you may qualify for an expedited appointment, depending on availability at the Embassy or Consulate.

Some of the specific grounds on which one can opt for expedited appointment include medical cases, funeral/death cases, urgent business travel, or for students who need to begin or resume a valid program of study in the United States within 60 days when no regular visa appointments are available.

Many H-1B visa holders stuck in India are reportedly working remotely. “From an immigration standpoint, if the employee is outside the U.S., they are not in H-1B status, so they can work remotely. However, this creates other issues such as tax exposure in India, potential permanent establishment risk for the employer, and local compliance concerns. Employers are handling this differently; some allow remote work, others move employees to local payroll, and some place them on leave,” says Chugh.

The visa stamping delay persists, and stranded individuals continue to experience difficulties. “There is no fixed rescheduled timeline. Appointment availability is being released in phases. Dropbox cases have improved somewhat, but first-time H-1B stamping is still facing delays, often several months,” informs Chugh.

Is travelling without getting the stamping done at the embassy or consulate the right approach? “One key point is that people should be very careful about traveling without a valid stamping. Many assume they can return easily, but delays are still unpredictable. The situation has improved compared to earlier periods, but it is far from fully resolved,” suggests Chugh.

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