

H-1B VISA STAMPING CRISIS 2026



**THE STRANDED IN INDIA
SURVIVAL GUIDE**

MANOJ PALWE

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DREAMVISAS IMMIGRATION GUIDES

H-1B VISA STAMPING

CRISIS 2026

The Stranded in India Survival Guide

Everything You Need to Know: Policy Changes, Survival Strategies,
Tax Implications, Alternative Pathways & Expert Action Plans

Authored by

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Manoj Palwe is one of the most trusted and experienced names in immigration consultancy. With over 25+ years of experience since founding Taurus Infotek in 2001, he has helped more than 10,000 families successfully navigate Canadian and Australian immigration.

My Philosophy

Every day when I sit in my office, I consider it my first day in my consultancy business. I always try to understand my client's viewpoints, dreams, and difficulties and try to suggest a solution that will create a win-win situation.

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Readers are strongly advised to consult with a licensed immigration consultant (RCIC) or immigration lawyer for advice specific to their individual circumstances.

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Foreword: When a Holiday Turned into a Nightmare

Priya Sharma had it all planned out. A senior data engineer at a Fortune 100 tech company in Seattle, she flew to Pune in early December 2025 for her younger sister's wedding. Her H-1B visa stamping appointment at the US Consulate in Mumbai was confirmed for December 18. She'd be back at her desk by January 3, 2026.

Then everything changed.

On December 10, Priya received an email from the US visa scheduling service: her appointment had been "rescheduled to March 2026." A few weeks later, another email pushed it to October 2026. By late January, the US TravelDocs portal simply showed "No Appointments Available" for the rest of 2026. The earliest visible date? May 2027.

Priya is one of thousands of Indian H-1B professionals now stranded in India—separated from their homes, their colleagues, their routines, and in many cases, their spouses and children who remain in the United States. Her apartment in Seattle sits empty. Her team scrambles to cover her responsibilities. Her employer is unsure about the tax implications of letting her work remotely from India for months.

This e-book is written for people like Priya—and for their families, their employers, their HR teams, and their immigration attorneys. It is a survival guide: a practical, comprehensive, expert-annotated roadmap for navigating the worst H-1B visa stamping crisis in the history of the program.

SME COMMENT — Manoj Palwe, RCIC

This crisis is unprecedented in my 25+ years of immigration consulting. I have personally seen over 200 clients affected since December 2025 alone. The difference between this crisis and past backlogs is that three policy changes hit simultaneously: the end of dropbox processing, the end of third-country stamping, and the mandatory social media screening. The combined effect has been catastrophic for Indian H-1B professionals. This guide compiles everything I've learned from advising stranded clients and working with immigration attorney networks across India and the US.

Chapter 1: Understanding the Crisis — How Did We Get Here?

The H-1B visa stamping crisis of 2026 did not emerge overnight. It is the convergence of three major policy shifts, each of which individually would have caused significant disruption. Together, they have created a perfect storm that has effectively shut down H-1B visa processing at US consulates in India.

1.1 The Three Policy Shocks

Policy Shock #1: Mandatory Social Media Screening (December 15, 2025)

On December 3, 2025, the US Department of State issued a directive requiring all H-1B and H-4 visa applicants to submit five years of social media history as part of their visa application. Effective December 15, 2025, consular officers must manually review each applicant's online presence before any visa can be issued.

The impact was immediate. Consular sections that previously processed 80–100 interviews per day suddenly found themselves limited to 30–40, as each case now requires 12–15 additional minutes of social media screening. US consulates in Delhi, Mumbai, Chennai, Hyderabad, and Kolkata began mass-rescheduling of interviews that had been confirmed for mid-December through March 2026.

KEY REQUIREMENT FOR APPLICANTS

All H-1B and H-4 visa applicants are instructed to adjust the privacy settings on ALL of their social media accounts to 'public' BEFORE their visa appointment. Failure to do so may result in delays, additional administrative processing, or denial.

Platforms covered include: Facebook, Instagram, X (Twitter), LinkedIn, YouTube, Reddit, TikTok, and any other publicly accessible social media accounts.

Policy Shock #2: End of Third-Country Visa Processing (September 2, 2025)

In July 2025, the State Department issued a directive that effectively ended third-country national (TCN) visa processing for Indian nationals. Previously, H-1B holders could obtain visa stamps at US consulates in Canada, Mexico, Singapore, or other countries with shorter wait times. This practice—sometimes called “visa runs”—served as a critical safety valve when Indian consulates were backlogged.

Effective September 2, 2025, the State Department requires nonimmigrant visa applicants to schedule interviews in their country of nationality or residence. Most consulates have either suspended TCN processing entirely, limited it to urgent humanitarian cases, or restricted it to certain visa classes that do not include H-1B.

✍ SME COMMENT — Manoj Palwe, RCIC

The TCN restriction is the policy change that took away the escape hatch. In previous backlogs, I routinely advised clients to get stamped in Ottawa, Toronto, or Mexico City. Those options no longer exist for most Indian nationals. The entire H-1B volume for India—the country that accounts for approximately 71% of all H-1B holders—is now funnelled through just five consular posts. The math simply doesn't work.

Policy Shock #3: Elimination of Dropbox / Interview Waiver (October 1, 2025)

The “dropbox” or interview waiver program allowed eligible H-1B renewal applicants to submit their documents at a Visa Application Center without attending an in-person consular interview. During and after the COVID-19 pandemic, this program was significantly expanded, with eligibility extended to applicants whose visas had expired within 48 months.

Through a series of three increasingly restrictive policy updates between February and September 2025, the State Department systematically dismantled the dropbox program for work visa holders. As of October 1, 2025, there is no dropbox option for H-1B visa holders anywhere in the world. All H-1B applicants—including renewals—must attend an in-person consular interview.

✗ CRITICAL CHANGE

As of October 1, 2025: No dropbox/interview waiver option exists for H-1B holders worldwide. Even children under 14 on H-4 visas, who previously benefited from age-based waivers, must now appear in person.

1.2 Timeline of the Crisis

Date	Event	Impact
Jul 2025	State Dept. directive ends TCN processing	Indians can no longer get stamped in Canada/Mexico
Sep 2, 2025	TCN restrictions take full effect	All Indian H-1B applicants must use Indian posts only
Sep 19, 2025	Presidential Proclamation: \$100,000 fee on new H-1B petitions	Massive cost increase for employers filing new H-1Bs
Oct 1, 2025	Dropbox/interview waiver eliminated for H-1B	All applicants must attend in-person interviews
Dec 3, 2025	State Dept. mandates social media screening for H-1B/H-4	Processing time per case increases dramatically
Dec 15, 2025	Social media vetting goes into effect	Mass rescheduling begins; Dec-Mar appointments cancelled

Date	Event	Impact
Dec 22–26, 2025	India MEA formally flags cancellations to Washington	Diplomatic engagement begins
Jan 25–27, 2026	All 5 Indian consulates show “No Appointments Available” for 2026	Earliest visible appointments pushed to Apr–May 2027
Jan 1, 2026	Presidential Proclamation 10998 takes effect	Restricts/limits entry for nationals of ~39–75 countries
Dec 23, 2025	DHS finalizes Weighted H-1B Selection Rule	Effective Feb 27, 2026 for FY 2027 cap season

1.3 The Scale of the Problem

The numbers paint a stark picture of the crisis:

Metric	Data
Share of H-1B holders who are Indian nationals	Approximately 71% (per 2025 USCIS report)
Number of US consulates in India	5 (Delhi, Mumbai, Chennai, Hyderabad, Kolkata)
H-1B visas issued at Chennai alone in Dec 2024	Nearly 17,000
Estimated applicants affected by December rescheduling	Thousands (exact number not disclosed by State Dept.)
Earliest available regular appointments (as of Jan 27, 2026)	April–May 2027
Estimated monthly cost to Indian IT exporters (per NASSCOM)	~USD 120 million in billable revenue
Amazon H-1B applications filed in FY 2024	14,783
Additional processing time per case for social media screening	12–15 minutes per file

SME COMMENT — Manoj Palwe, RCIC

The NASSCOM figure of \$120 million per month in lost billable revenue likely underestimates the true economic impact. It doesn't account for start-ups whose fundraising depends on founders being physically present in Silicon Valley, medical professionals who cannot resume hospital rotations, or the cascading effects on project timelines across the entire US tech ecosystem. I estimate the actual monthly impact across all sectors at \$300–400 million when indirect costs are included.

Chapter 2: Are You Stranded? Know Your Situation

Not every H-1B holder affected by this crisis is in the same situation. Your options, risks, and next steps depend critically on where you are and what documents you hold. This chapter helps you identify your exact situation and understand what applies to you.

2.1 Situation Assessment Matrix

Your Situation	Risk Level	Immediate Priority
In India, visa expired, appointment rescheduled to 2026+	CRITICAL	Negotiate remote work with employer; do NOT let MRV fee expire
In India, visa expired, no appointment scheduled	CRITICAL	Schedule immediately; monitor weekly appointment releases
In India, valid visa stamp but appointment cancelled	HIGH	You can potentially return to the US on valid stamp; verify with attorney
In US, visa stamp expired, valid I-797/status	MODERATE	Do NOT travel internationally; continue working legally in the US
In US, planning India trip for renewal	HIGH	POSTPONE all non-essential travel immediately
H-4 dependent stranded in India	CRITICAL	Limited options; linked to principal H-1B applicant's appointment
Children stranded (school-age) in India	CRITICAL	Arrange temporary schooling in India; document disruption for future immigration cases

2.2 The Fundamental Rule: Visa Stamp vs. Status

CRITICAL DISTINCTION

H-1B Status (I-797 Approval): Grants you the right to WORK in the United States. You maintain status as long as your I-797 is valid and you are employed by your petitioning employer.

H-1B Visa Stamp (in passport): Grants you the right to TRAVEL to and ENTER the United States. Without a valid visa stamp, you cannot board a flight to the US, even if your status and work authorization remain valid.

This distinction is why people are “stranded.” Their right to work in the US remains intact, but their right to physically enter the US has been interrupted by the stamping backlog.

SME COMMENT — Manoj Palwe, RCIC

I cannot stress this enough: if you are currently in the United States on H-1B status and your visa stamp is expired or about to expire, DO NOT travel outside the country unless it is an absolute emergency (serious medical crisis, death of immediate family member). Even then, understand

that you may not be able to return for 12–18 months. I have clients who stepped out for a “quick 2-week trip” in December and are still in India with no return date in sight.

2.3 Automatic Visa Revalidation — A Limited Exception

There is one narrow exception to the requirement of a valid visa stamp for re-entry. Under the Automatic Visa Revalidation (AVR) rule, H-1B holders may be able to re-enter the United States with an expired visa stamp if they travel only to Canada or Mexico for less than 30 days and meet specific conditions.

✓ AUTOMATIC VISA REVALIDATION CONDITIONS

- You must hold a valid, unexpired I-94 admission record
- Your trip must be to Canada, Mexico, or adjacent islands (not India)
- The trip must be 30 days or fewer
- You must not have applied for a new visa while abroad
- You must not be a national of Iran, Syria, Sudan, North Korea, or Cuba
- You must not be subject to 221(g) administrative processing

Important: AVR does NOT help if you are stranded in India. It only applies to short trips to Canada or Mexico from the US. However, it is a critical tool for H-1B holders currently in the US who may need to make brief cross-border trips without a valid stamp.

Chapter 3: Survival Strategies for Stranded H-1B Workers

CASE STUDY: Rajesh's Remote Work Dilemma

Rajesh, a software architect at a major cloud computing company, flew to Hyderabad on December 12 for a planned 10-day visit. His visa stamping appointment was confirmed for December 19. After the mass rescheduling, his new date is August 2026. His employer allowed him 20 business days of remote work. He has now exhausted that allowance.

His employer's immigration attorney advised him that working from India beyond the approved period could trigger permanent establishment tax liability for the company. Rajesh is now on unpaid leave, burning through savings, while his mortgage payments in Austin continue.

This is the reality for thousands of stranded workers. Below, we outline every available strategy.

3.1 Strategy #1: Negotiate Extended Remote Work with Your Employer

Several major US technology companies have already established temporary remote work policies for stranded employees. Amazon, for example, issued an internal memo in January 2026 allowing affected H-1B employees to work remotely from India until March 2, 2026. However, this came with significant restrictions.

What Amazon's Policy Tells Us About Industry Best Practices

Permitted Activities	Prohibited Activities
Attending virtual meetings	Coding, software testing, code deployment
Participating in design discussions (non-decisional)	Quality assurance or troubleshooting
Training and professional development	Making strategic or operational decisions
Documentation and non-technical support tasks	Managing teams or providing final approvals
Research and analysis	Working from any Amazon/employer office in India
Email communication and coordination	Negotiating or signing contracts

WHY THE RESTRICTIONS EXIST

These restrictions are not arbitrary. They are designed to prevent the US employer from being deemed to have a "permanent establishment" (PE) in India under Indian tax law. If a PE is established, the employer faces corporate income tax in India on profits attributed to that presence, along with extensive compliance and reporting requirements.

Under Indian tax law, salary earned for services performed in India is taxable in India, even if paid into a US bank account.

✍ SME COMMENT — Manoj Palwe, RCIC

What to say to your employer: Frame this as a business continuity issue, not a personal favor. Prepare a memo showing: (1) your specific role and how it can be partially performed remotely, (2) the expected duration based on current appointment availability, (3) your willingness to accept activity restrictions to protect the company from PE risk, and (4) a plan for phased return of full duties once you're back in the US. Companies are more receptive when you show you understand their risk exposure.

3.2 Strategy #2: Monitor for Earlier Appointment Slots

While the official appointment calendar shows no availability until 2027, earlier slots do occasionally open up. Here's how to maximize your chances of catching one:

Appointment Monitoring Best Practices

Tactic	Details
Check the TravelDocs portal frequently	Slots are typically released on Wednesdays around midnight IST. Check between 11:30 PM and 1:00 AM IST on Tuesday/Wednesday nights.
Enable email and SMS notifications	Register on the US visa scheduling system for automatic alerts when new slots open at your preferred consulate.
Consider all five consulates	Don't limit yourself to your "home" consulate. If you're based in Pune but Chennai shows an earlier slot, book it.
Check after cancellations	When others cancel or reschedule, their slots become available. Peak cancellation periods are 48–72 hours before appointments.
Keep MRV fee receipt valid	Your Machine Readable Visa (MRV) fee receipt is valid for one year. If it expires before your new appointment, you'll need to pay again and restart the scheduling process.
Use appointment tracking tools	Several community-built tools and trackers monitor appointment availability across all five consulates in real-time.

3.3 Strategy #3: Emergency Appointment Requests

US consulates in India do offer an expedited or emergency appointment process, but success rates are extremely low in the current environment. Emergency appointments are theoretically available for situations involving medical emergencies, death of an immediate family member, or urgent business travel that cannot be postponed.

✗ REALISTIC EXPECTATIONS

Staffing shortages at consulates mean even emergency requests can take weeks to process. Consular officials have been inundated with such requests since December 2025 and are likely to view them with skepticism.

An emergency appointment request based solely on “I need to get back to my job” is almost certainly going to be denied. You need compelling, documented evidence of a genuine emergency.

3.4 Strategy #4: Advance Parole (for Those with Pending I-485)

If you have a pending Form I-485 (Application to Adjust Status) for a green card, you may be eligible to travel using Advance Parole (AP) instead of an H-1B visa stamp. This is one of the few alternatives available, but it comes with important caveats.

✓ ADVANCE PAROLE KEY POINTS

H-1B holders with pending I-485 applications do NOT need Advance Parole to travel and return, as long as they maintain valid H-1B status before departure and have a valid H-1B visa to re-enter.

However, if your H-1B visa stamp is expired and you cannot get a new stamp, Advance Parole becomes your primary travel document.

You must have the approved AP document BEFORE leaving the US. If you're already stranded in India without AP, this option may not be available to you.

Entering the US on AP changes your status from H-1B to “parolee,” which has implications for future H-1B extensions and employment flexibility.

Premium processing for I-131 (AP application) may be available — consult with your immigration attorney immediately.

📝 SME COMMENT — Manoj Palwe, RCIC

Advance Parole is the single most underutilized tool in the current crisis. If you have an approved I-140 and your employer is willing to file I-485 (if your priority date is current), this creates an AP option for future travel. I am advising all my clients with current priority dates to file I-485 immediately, even if they weren't planning to, specifically to secure AP as a travel backup. The \$100,000 H-1B petition fee makes this strategy even more compelling for those eligible.

3.5 Strategy #5: Protecting Your US Employment and Status

Being physically outside the US does not automatically terminate your H-1B status or employment. However, extended absence creates risks that you need to actively manage:

Risk Area	What to Watch For	Protective Action
I-797 validity	Your I-797 has an expiration date	File extension well before expiry; employer can file from the US
Employment relationship	Employer may feel compelled to terminate	Maintain regular communication; propose written remote work agreement
LCA compliance	If remote work exceeds 60 days, LCA may need amendment	Alert employer's immigration counsel about potential LCA/petition amendment
Six-year H-1B limit	Time outside the US may or may not count toward the 6-year limit	Track exact days outside US; consult attorney on "recapture" eligibility
Social Security / Medicare	Contributions stop if not on US payroll	Understand impact on future benefits; get written confirmation from HR
State tax residency	Some US states may still consider you a tax resident	Consult a cross-border tax professional before filing

Chapter 4: Tax and Financial Implications of Being Stranded

The tax consequences of the H-1B stamping crisis are emerging as one of its most complex and underappreciated dimensions. For both stranded employees and their US employers, extended work from India creates obligations that can be expensive and difficult to manage.

4.1 The Permanent Establishment (PE) Risk for Employers

When a US company's H-1B employee works remotely from India for an extended period, Indian tax authorities may determine that the company has established a taxable business presence—a “permanent establishment”—in India.

i WHAT TRIGGERS A PERMANENT ESTABLISHMENT?

Under the India-US Double Taxation Avoidance Agreement (DTAA), a PE can be triggered if:

1. The employee works from a fixed place of business in India (even a home office, if used regularly)
2. The employee exercises authority to conclude contracts on behalf of the US company
3. The employee performs services in India for more than 183 days in a fiscal year

Once a PE is established, the US company must pay corporate income tax in India on profits attributed to that presence, register with Indian tax authorities, operate local payroll, and deduct tax at source.

4.2 Individual Tax Implications for Stranded Workers

Tax Issue	Threshold / Rule	Practical Impact
Indian income tax on salary	Salary for services performed IN India is taxable in India	Even if paid into a US bank account, work performed in India is Indian-taxable
183-day rule	DTAA relief available only if presence in India is <183 days in a fiscal year	Indian fiscal year: April 1 – March 31. Clock is ticking for those stranded since December.
US tax obligations	US taxes worldwide income of H-1B holders	You may owe taxes in BOTH countries, though DTAA provides relief against double taxation
State tax residency	Varies by US state	California, New York: may still consider you a tax resident even while in India
India social security	Employer may need to make PF/ESI contributions	If stranded beyond 183 days, employer's Indian compliance obligations increase

 SME COMMENT — Manoj Palwe, RCIC

The tax dimension is catching many families completely off guard. I am now routinely referring stranded clients to cross-border tax advisors before they reach the 183-day threshold. If you arrived in India in December 2025 and your appointment is in August 2026 or later, you will cross the 183-day line in the Indian fiscal year (April 2025 – March 2026 or April 2026 – March 2027). This has real financial consequences. Budget \$2,000–\$5,000 for professional cross-border tax advice. It is money well spent.

4.3 Financial Survival Checklist

Action Item	Priority	Notes
Notify your US bank about extended overseas stay	Immediate	Prevent account freezes due to unusual overseas activity patterns
Arrange India-based health insurance	Immediate	US employer health insurance may not cover you in India; get a local policy
Understand US mortgage/rent obligations	Immediate	Consider subletting; inform landlord/bank about your situation
Set up India-based banking for daily expenses	Within 1 week	NRE/NRO accounts; ensure you can transfer funds efficiently
Engage a cross-border tax advisor	Within 2 weeks	Before you cross 183-day threshold; understand both US and India obligations
Document all crisis-related expenses	Ongoing	May be relevant for tax deductions or future employer reimbursement claims
Review US credit obligations	Within 1 month	Auto loans, credit cards, student loans continue regardless of your location
Check US investment accounts	Within 1 month	PFIC rules may apply if you invest from India; capital gains treatment may differ

Chapter 5: Impact on H-4 Dependents and Families

While much of the coverage of the H-1B stamping crisis has focused on the primary H-1B worker, the impact on H-4 dependent spouses and children is equally devastating—and in many ways, more acute.

CASE STUDY: The Mehta Family's Split Household

Anita Mehta flew to Ahmedabad with her two children (ages 8 and 12) on December 5, 2025, for a planned two-week holiday visit to see aging parents. Her husband Vikram, an H-1B worker at a consulting firm, stayed in the US. All three—Anita and both children—were on H-4 visas and needed new stamps.

Their appointments, originally set for December 20, were pushed to June 2026, then to “No Availability.” The children have now missed over two months of school in the US. Anita’s H-4 EAD (Employment Authorization Document), which allowed her to work in the US, is set to expire in April 2026. Even if she gets stamped and returns, she may face a gap in work authorization.

Vikram is torn: he can’t leave the US himself (his stamp is also expired), and his family can’t return. They are communicating via video calls across a 10.5-hour time difference.

5.1 Key Issues for H-4 Dependents

Issue	Impact	Possible Mitigation
H-4 interview waiver eliminated	All H-4 holders, including children under 14, must attend in-person interviews	Book appointments for all family members simultaneously
H-4 EAD validity	EAD may expire while stranded; cannot renew from outside the US	File EAD renewal before traveling if possible; employer can sometimes expedite
Children’s education	Missing school in the US; curriculum misalignment in India	Enroll in international school or online US school programs temporarily
Spousal employment	H-4 EAD holders lose ability to work if stranded	Explore remote work options if EAD is still valid; consult immigration attorney
Medical insurance	US employer plans may not cover family members abroad	Get local Indian health insurance for entire family immediately
Separation from spouse	Emotional and practical hardship of split households	Document the hardship; may be relevant for future immigration filings

SME COMMENT — Manoj Palwe, RCIC

The family separation dimension of this crisis is heartbreaking. I have H-4 clients who are pregnant and stranded in India, unable to return to their OB-GYN in the US. I have school-age children who have missed an entire semester. The government is aware of this, as India’s MEA has formally raised the issue, but there has been no relief announced. My strongest advice: families should NOT travel together. Keep at least one parent in the US at all times if possible. If

both parents are H-1B/H-4 holders, designate one as the “anchor” who does not travel under any circumstances.

Chapter 6: Employer's Guide — What HR and Legal Teams Must Do Now

The H-1B stamping crisis is not just an employee problem. It creates significant legal, tax, compliance, and operational challenges for US employers. This chapter provides a practical framework for HR teams, corporate immigration counsel, and business leaders.

6.1 Immediate Action Items for Employers

Action	Timeline	Responsible Party
Audit all H-1B employees' visa stamp expiry dates	Immediate	Immigration Counsel / HR
Issue "do-not-travel" advisory for employees with expired/expiring stamps	Immediate	HR / People Operations
Establish remote work policy for stranded employees	Within 1 week	Legal + HR + Tax
Engage cross-border tax advisors to assess PE risk	Within 2 weeks	Tax / Finance
Determine which activities employees can/cannot perform from India	Within 2 weeks	Legal + Tax + Business Units
Set up India payroll/compliance if employees will exceed 183 days	Within 1 month	Tax / Finance / Payroll
Budget for extended remote work, legal fees, and travel costs	Within 1 month	Finance / Business Units
Track each stranded employee's appointment date and return timeline	Ongoing	Immigration Counsel
Plan for H-1B extension filings from the US	Ongoing	Immigration Counsel
Consider I-485/Advance Parole filings for eligible employees	ASAP	Immigration Counsel

6.2 The \$100,000 H-1B Fee — Additional Cost Pressure

Adding to the challenges, a Presidential Proclamation issued on September 19, 2025, introduced a \$100,000 supplemental fee on all new H-1B petitions filed after September 21, 2025, for beneficiaries located outside the United States. This fee applies on top of existing filing fees and attorney costs.

The implications for employers with stranded workers are significant: if an employee's H-1B cannot be extended through the normal process (because, for example, they have exceeded the six-year limit and require new cap-subject filing), the employer faces a \$100,000 fee to bring them back.

 SME COMMENT — Manoj Palwe, RCIC

The \$100,000 fee has fundamentally changed the cost-benefit calculus of the H-1B program for many mid-size employers and start-ups. I am seeing companies that previously sponsored 15–20 H-1B workers per year now capping their program at 3–5. For stranded workers, this means their employers may be less willing to wait months for them to return. I advise every stranded H-1B holder to have a frank, documented conversation with their employer about the company's commitment to their return. Get it in writing if possible.

6.3 Industry Response: What Major Companies Are Doing

Company	Reported Response
Amazon	Extended remote work from India until March 2, 2026 with strict restrictions on technical and decision-making activities. Filed approximately 14,800 H-1B applications in FY 2024.
Google	Issued travel advisory warning H-1B employees to avoid international travel. Exploring alternative work arrangements.
Apple	Issued travel advisory similar to Google's. Details of internal accommodation not publicly disclosed.
Microsoft	Issued travel advisory cautioning visa-holding employees against international travel. Internal policy adjustments ongoing.
Large IT Services Firms (India-based)	Issued "do-not-travel" advisories. Exploring near-shore alternatives (Canada/Mexico offices) for critical projects.
Start-ups / SMBs	Most affected due to lack of resources for legal, tax, and operational workarounds. Some placing stranded employees on unpaid leave.

Chapter 7: Social Media Screening — What You Must Know

The mandatory social media screening requirement is the proximate cause of the current appointment backlog. Understanding what is being screened and how to prepare is essential for anyone with an upcoming visa interview.

7.1 What the Screening Covers

Under the new policy, consular officers review applicants' online presence for indicators of national security or public safety concerns, inconsistencies with the visa application, or activity that could be interpreted as misleading, harmful, or deceptive. The government has NOT released a specific checklist of what counts as problematic content.

7.2 Social Media Preparation Checklist

Platform	Action Required	Timeline
Facebook	Set profile to PUBLIC; review all posts, shares, and comments for the past 5 years	Before appointment
Instagram	Set to PUBLIC; review all posts, stories highlights, and tagged photos	Before appointment
X (Twitter)	Set to PUBLIC; review all tweets, retweets, replies, and likes	Before appointment
LinkedIn	Already public for most; review posts, articles, and activity	Before appointment
YouTube	Review all videos, comments, and playlists	Before appointment
Reddit	Review comment and post history	Before appointment
TikTok	Set to PUBLIC; review all videos and comments	Before appointment
WhatsApp/Telegram	Not directly reviewed, but may be asked about group memberships	Be prepared to discuss
Personal blogs/websites	Review all content; ensure consistency with visa application	Before appointment

WHAT TO AVOID

Do NOT delete old posts in bulk before your appointment — bulk deletion activity itself may raise red flags during the screening process.

Do NOT create new “clean” accounts to replace existing ones. Consular officers may view this as deceptive.

Do NOT make false statements about your social media presence on the DS-160.

Misrepresentation is a serious ground for visa denial.

Do NOT post any content that could be interpreted as anti-US, promoting violence, or supporting extremist ideologies.

 **SME COMMENT — Manoj Palwe, RCIC**

The social media screening is the policy change that is most within your control to prepare for. I strongly recommend every applicant do a thorough self-audit of their social media at least 30 days before any anticipated appointment. Pay special attention to: political commentary (even retweets/shares), any posts about immigration policy (even if factual), posts about working conditions or employer complaints, and any content in languages other than English that may require translation. Consult with an immigration attorney who can review your social media through a consular officer's lens. Budget \$500–\$1,500 for this pre-appointment preparation.

Chapter 8: Alternative Immigration Pathways — Thinking Beyond H-1B

The 2026 crisis is forcing many Indian professionals to fundamentally reconsider their long-term immigration strategy. For some, the H-1B's inherent volatility—dependent on employer sponsorship, subject to political whims, and now plagued by impossible processing timelines—may no longer represent the best path forward.

8.1 Canada: A Proven Alternative

Canada remains the most popular alternative destination for Indian IT professionals, offering multiple pathways to permanent residence with significantly more predictable processing timelines.

Canadian Pathway	Processing Time	Key Advantage
Express Entry (Federal Skilled Worker)	6–8 months for PR	Points-based; no employer sponsorship required for FSW
Provincial Nominee Programs (PNPs)	12–18 months for PR	Lower CRS thresholds; province-specific tech streams
Global Talent Stream (Work Permit)	2–4 weeks	Fast-track work permit for tech workers
Start-Up Visa	12–16 months for PR	For entrepreneurs with qualifying business idea
CUSMA (NAFTA) / Intra-Company Transfer	2–8 weeks	If employer has Canadian operations

8.2 Germany: The Opportunity Card

Germany's Opportunity Card (Chancenkarte), introduced in June 2024, offers a points-based pathway for skilled workers to enter Germany and search for employment. For Indian IT professionals, Germany's Blue Card pathway offers one of the fastest routes to permanent residency in Europe.

German Pathway	Processing Time	Key Advantage
EU Blue Card	2–4 weeks	21 months to permanent residency; spouse can work immediately
Opportunity Card	3–6 months	Job-seeker visa; no offer required to enter
IT Specialist Visa	2–8 weeks	No formal degree required for experienced IT professionals
ICT (Intra-Company Transfer)	4–8 weeks	For multinationals moving staff to German offices

8.3 Australia, UK, and Other Options

Country / Pathway	Processing Time	Key Advantage
Australia – Skilled Migration (189/190)	6–12 months	Points-based PR; strong demand for tech workers
Australia – Global Talent Visa (858)	2–4 months	Fast-track for exceptional talent in STEM
UK – Skilled Worker Visa	3–8 weeks	Employer-sponsored; path to settlement in 5 years
UK – Global Talent Visa	3–8 weeks	Self-sponsored; for recognized experts
Singapore – Employment Pass	3–6 weeks	Strong tech ecosystem; no path to PR by default
UAE – Golden Visa	2–4 weeks	10-year residence; for specialized talent
Portugal / Spain – Digital Nomad Visa	2–3 months	Remote work from EU; path to PR in 5 years

SME COMMENT — Manoj Palwe, RCIC

I have seen a 400% increase in inquiries about Canadian Express Entry and German Blue Card from H-1B holders since December 2025. Many of these professionals have CRS scores above 470 or qualify for provincial tech-specific streams. For clients with 5+ years of US work experience, Canada is often the fastest, most predictable path to permanent residency.

One immigration attorney captured the situation perfectly: if a PhD from IIT can get a German Blue Card in two weeks but has to wait 18 months for a US visa interview, talent will flow to where it is welcomed. I am now advising all my H-1B clients to develop a “Plan B” in a country that offers permanent residency within 2 years, regardless of whether they intend to stay in the US long-term.

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8.4 EB-5 Investor Pathway

For H-1B holders with financial resources, the EB-5 Immigrant Investor Program offers a direct path to a US Green Card without dependence on employer sponsorship. While the minimum investment is \$800,000 (for Targeted Employment Areas) or \$1,050,000, the EB-5 provides something that the H-1B fundamentally cannot: permanent, predictable immigration status.

EB-5 AT A GLANCE

Investment: \$800,000 (TEA) or \$1,050,000 (non-TEA) in a USCIS-approved project

Timeline: 18–36 months for conditional Green Card; 24 months additional for permanent GC

Key Advantage: Not dependent on any employer; no visa stamp required once GC is issued

Consideration: Requires significant financial commitment and due diligence on project selection

Chapter 9: The Diplomatic and Policy Landscape

9.1 India's Government Response

India's Ministry of External Affairs (MEA) has taken the unusual step of formally raising the mass cancellation of H-1B appointments with the US government. During the MEA's weekly press briefing in late December 2025, spokesperson Randhir Jaiswal confirmed that India is in "daily contact with the US Embassy in New Delhi and the State Department in Washington" regarding the disruptions.

NASSCOM, the IT industry association, has estimated that each month of delay costs Indian IT exporters approximately \$120 million in billable revenue and is urging the government to secure predictable H-1B processing.

9.2 US Congressional Action

Congressional representatives from tech-heavy districts have begun pressing the State Department for relief. In May 2025, Representative Raja Krishnamoorthi and sixteen colleagues sent a letter requesting that the State Department "streamline and modernize" visa re-issuance for H-1B holders. A separate bipartisan group has called for extension of the domestic renewal concept to additional visa categories. As of February 2026, no concrete relief has been announced.

9.3 The Domestic Visa Renewal Program — Will It Save Us?

In January 2024, the State Department ran a limited pilot program allowing approximately 20,000 eligible H-1B holders to renew their visas domestically (within the US) without traveling abroad. The pilot was well-received, but its scope was extremely narrow: only H-1B holders whose previous stamps were issued by missions in Canada (Jan 2020–Apr 2023) or India (Feb–Sep 2021) were eligible.

As of February 2026, no expansion of the domestic renewal program has been formally announced. Officials have said they are reviewing pilot data, and early drafts of the FY 2026 State-Foreign Operations spending bill include funding to "modernize visa re-issuance systems." However, immigration attorneys and industry groups do not expect a full-scale domestic renewal program to be operational before mid-2026 at the earliest.

SME COMMENT — Manoj Palwe, RCIC

The domestic renewal program is the most promising long-term solution to prevent future crises like this one. But it will not help people stranded right now. The pilot processed only 20,000 applications over 10 weeks. Even if expanded to 100,000+, it would take years to clear the current backlog. My realistic assessment: do not plan your life around the domestic renewal program being available to you in 2026.

9.4 The Weighted H-1B Selection Rule (FY 2027)

On December 23, 2025, DHS announced a final rule implementing a weighted selection process for H-1B cap registrations, effective February 27, 2026, for the FY 2027 cap season. This replaces the previous random lottery with a system that assigns more selection entries to higher-wage applicants. Applicants classified at the highest DOL wage level (Level IV) receive four entries, while Level I applicants receive only one.

While this rule does not directly impact currently stranded workers (who are already H-1B holders), it significantly affects employers' future hiring strategies and the competitiveness of the H-1B program for Indian professionals.

Chapter 10: Documents Checklist and Preparation Guide

Whether your appointment is weeks or months away, thorough preparation is your best defense against delays, 221(g) administrative processing, or outright denial. This chapter provides a comprehensive checklist.

10.1 Master Documents Checklist

Document	Category	Notes
Current valid passport (6+ months validity)	Essential	Carry old passports as well
DS-160 confirmation page	Essential	Must match your appointment booking; double-check all entries
Visa appointment confirmation letter	Essential	For the correct rescheduled date
MRV fee receipt	Essential	Must be valid (not expired > 1 year)
I-797 Approval Notice (original)	Essential	Most current; carry all previous I-797s as well
Labor Condition Application (LCA)	Essential	Approved by DOL; filed by employer
Employment verification letter	Essential	On company letterhead; confirming current employment, salary, dates
Pay stubs (last 3–6 months)	Recommended	Shows continued employment and salary
US tax returns (last 2–3 years)	Recommended	W-2s and filed tax returns
Resume / CV	Recommended	Updated; matching DS-160 employment history exactly
Educational credentials (originals)	Recommended	Degree certificates, transcripts, credential evaluations
Social media audit summary	NEW for 2026	Self-prepared review of all platforms; profiles set to PUBLIC
Marriage certificate (for H-4)	If applicable	For dependent applicants
Children's birth certificates	If applicable	For H-4 dependent children
Passport-size photographs	Essential	Recent (within 6 months); US visa photo specifications

SME COMMENT — Manoj Palwe, RCIC

The single most common mistake I see in this crisis: people showing up with expired MRV fee receipts. Your MRV fee is valid for ONE year from the date of payment. If your original appointment was in December 2025 and you paid the fee in November 2025, your receipt expires in November 2026. If your rescheduled appointment is after that date, you'll need to pay

again (\$185 for H-1B as of 2026) and restart the scheduling process. Check your receipt date immediately.

Chapter 11: Frequently Asked Questions (FAQ)

Q1: Can I work legally from India while waiting for my H-1B visa stamp?

Your H-1B authorization is specifically for employment in the United States. Working for your US employer from India is a complex area. You must have explicit written permission from your employer, and both you and your employer should consult with immigration and tax attorneys. Working from India without proper authorization could constitute unauthorized employment and may have immigration consequences.

Q2: Will my H-1B status expire if I'm stuck in India?

Your H-1B status (as reflected in your I-797) has an expiration date. The status itself does not "expire" because you're outside the US, but you cannot benefit from it while abroad. If your I-797 approaches expiry, your employer can file an extension from the US. You do not need to be physically present in the US for your employer to file an extension.

Q3: Can I get stamped at a US consulate outside India (third country)?

As of September 2025, third-country national (TCN) processing has been severely restricted for Indian nationals. Most consulates now require H-1B applicants to schedule interviews in their country of nationality or residence. While narrow exceptions may exist for urgent humanitarian or diplomatic cases, you should not plan around TCN processing. Confirm with the specific consulate before making any travel arrangements.

Q4: What happens if I miss my rescheduled appointment?

If you cannot attend your rescheduled appointment date, you are allowed only one free reschedule. However, if your MRV fee receipt has expired (older than one year), you will need to pay the fee again and restart the scheduling process entirely. Missing without rescheduling will be treated as a no-show.

Q5: Can my employer fire me because I'm stranded in India?

While employment laws vary by state, being stranded due to a government-created visa processing crisis is generally not considered a voluntary action on your part. However, employers are not required by law to keep your position indefinitely. The strongest protection is a written agreement with your employer outlining the remote work arrangement, expected duration, and commitment to your return. Document everything.

Q6: Should I file for Advance Parole?

If you have a pending I-485 (adjustment of status) application AND you are currently in the US, filing for Advance Parole (Form I-131) is strongly recommended as a backup travel document.

However, if you are already in India without AP, you cannot file for AP from outside the US. Additionally, entering the US on AP may change your status from H-1B to parolee, which has implications. Consult your immigration attorney.

Q7: What if I have a medical emergency and need to return to the US?

Emergency appointments are available at US consulates for genuine medical emergencies, but approval is not guaranteed. You will need documented medical evidence. In extreme cases, contacting your congressional representative's office may help escalate your case with the State Department. Do not rely on this as a primary strategy.

Q8: Are there any diplomatic solutions expected?

India's MEA has formally raised the issue with Washington, and NASSCOM continues to lobby for predictable processing. Congressional representatives from tech-heavy districts are pressing for temporary relief measures such as interview waivers or expanded domestic renewal. However, as of February 2026, no concrete relief has been announced. Do not base your planning on anticipated policy changes.

Q9: Should I consider giving up my H-1B and moving to another country?

This is a deeply personal decision that depends on your career stage, family situation, financial resources, and long-term goals. What is clear is that the H-1B's fundamental vulnerability—requiring periodic visa stamps at foreign consulates—has been exposed by this crisis. Many professionals are now developing parallel immigration strategies in countries like Canada, Germany, or Australia while maintaining their US status. This “dual-track” approach is increasingly common and advisable.

Q10: How long will this crisis last?

Realistic assessment: the backlog is unlikely to clear before mid-2027 at the earliest. Experts predict that unless additional adjudicator teams are deployed or systemic changes are made (such as a full-scale domestic renewal program), processing times will remain severely elongated through 2026 and well into 2027. Plan for an 18–24 month disruption horizon.

Chapter 12: Action Plan — Your 30-60-90 Day Roadmap

If You Are STRANDED IN INDIA

Days 1–30: Stabilize

#	Action	Status
1	Contact employer immediately; request written remote work authorization	<input type="checkbox"/>
2	Verify your MRV fee receipt validity; renew if expiring within 3 months	<input type="checkbox"/>
3	Confirm your rescheduled appointment date; register for earlier slot notifications	<input type="checkbox"/>
4	Set all social media profiles to PUBLIC and begin self-audit	<input type="checkbox"/>
5	Arrange India-based health insurance for yourself and any dependents	<input type="checkbox"/>
6	Set up NRE/NRO banking for daily expenses and fund transfers	<input type="checkbox"/>
7	Notify US landlord/mortgage company of extended absence	<input type="checkbox"/>
8	Enroll children in local/international school if school-age	<input type="checkbox"/>

Days 31–60: Optimize

#	Action	Status
9	Engage cross-border tax advisor; understand 183-day threshold	<input type="checkbox"/>
10	If eligible, ask employer to file I-485 + I-131 (Advance Parole) for future travel	<input type="checkbox"/>
11	Begin monitoring all 5 consulates for earlier appointment slots	<input type="checkbox"/>
12	Document all crisis-related expenses and hardship	<input type="checkbox"/>
13	Discuss H-1B extension filing timeline with employer's immigration counsel	<input type="checkbox"/>
14	Evaluate alternative country pathways (Canada Express Entry, German Blue Card, etc.)	<input type="checkbox"/>
15	Review US investment accounts for PFIC and tax residency implications	<input type="checkbox"/>

Days 61–90: Plan Long-Term

#	Action	Status
16	Complete social media audit; consult immigration attorney for review	<input type="checkbox"/>
17	Prepare complete documents packet (see Chapter 10 checklist)	<input type="checkbox"/>
18	If approaching 183 days, ensure employer has India payroll/compliance in place	<input type="checkbox"/>
19	If no appointment by Day 90, initiate Plan B immigration pathway applications	<input type="checkbox"/>

#	Action	Status
20	Have frank conversation with employer about long-term commitment	<input type="checkbox"/>
21	Consider EB-5 or other permanent immigration pathways if financially viable	<input type="checkbox"/>

If You Are IN THE US with an Expired Stamp

#	Action	Priority
1	DO NOT travel outside the United States unless absolute emergency	CRITICAL
2	Verify your I-797 validity and file extension well before expiry	HIGH
3	If eligible, file I-485 + I-131 (Advance Parole) as travel insurance	HIGH
4	If your employer has Canadian/European offices, discuss potential transfer options	MEDIUM
5	Begin building CRS profile for Canadian Express Entry as a Plan B	MEDIUM
6	If you must travel, use Automatic Visa Revalidation for short Canada/Mexico trips only	IF NEEDED

Conclusion: Building Resilience in an Uncertain System

The H-1B visa stamping crisis of 2026 has exposed a fundamental fragility in the US immigration system. Thousands of highly skilled professionals—people who contribute billions of dollars to the US economy, who pay taxes, who build products used by millions—have been rendered immobile by a confluence of policy decisions implemented with little notice and no transitional relief.

If you are reading this guide because you or someone you love is stranded, know this: you are not alone. You are part of a community of tens of thousands of professionals navigating the same challenge, and there are concrete steps you can take to protect your career, your family, and your future.

The three most important things you can do right now are: First, stabilize your immediate situation—secure remote work authorization, protect your health insurance, and manage your finances. Second, prepare meticulously for your visa interview whenever it comes—the social media audit, the documents checklist, and the attorney consultation. Third, build optionality—whether through Advance Parole, alternative country pathways, or permanent immigration strategies like EB-5 or Canadian Express Entry.

This crisis will not last forever. But it has permanently changed the risk calculus of the H-1B program. The professionals who emerge strongest will be those who use this difficult period to build long-term resilience into their immigration strategy.

 **SME COMMENT — Manoj Palwe, RCIC**

In 25+ years of immigration consulting, I have never seen a crisis that affects so many families so deeply. But I have also never seen the Indian professional community respond with such solidarity and determination. Online communities are sharing appointment tips in real-time. Employers are adapting their policies. Attorneys are working pro bono for the most affected families.

My final advice: treat this crisis as a catalyst. If you have been putting off your Canadian PR application, your I-485 filing, or your long-term immigration planning, now is the time. The best time to plant a tree was 20 years ago. The second best time is today.

My final advice: treat this crisis as a catalyst for building long-term immigration resilience.

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Book a consultation to discuss your specific situation and create a personalized immigration strategy.

Thank you for reading!

Best wishes for your journey

Manoj Palwe

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