



Published on *US Immigration Lawyer, Law Offices of Rajiv S. Khanna, PC, Rajiv S. Khanna* (<https://immigration.com>)

US employee working from India

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Submitted by Chief Editor on Apr 21st 2009

ANSWER:

1. I will be going to India and work for my company from India (before October if the H1b gets approved and continue to work from India if H1b is not approved).

Will you guys be able to answer the following questions for me? Is it okay for my company to wire the money (USD) to me monthly as individual consultation expense and will they have to pay any taxes to the Indian and/or US government for that?

Ans. I see no problem with that from the immigration law perspective. I am not a tax expert, but the way it is done is the company pays you as an independent contractor. Since you are working in India, they do NOT need to deduct any US taxes. You are responsible for your own taxes to the Indian govt. Do double check the details with a CPA. Feel free to call our CPA. Anna o Suman ji can give you the number or anyone in accounting can.

2. On their accounts they would show that they are paying me in India as a consultant, will that be okay? (I won't be on their payroll here in the USA).

Ans. Yes. That is fine.

3. Is it sufficient to say that I was doing independent consultation or sub-contracting work for my current company from India?

Ans. Yes. Immigration laws require nothing more.

Unless the context shows otherwise, all answers here were provided by [Rajiv](#) ^[2] and were compiled and reported by our editorial team from comments and blog on immigration.com ^[3]

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- [3] <http://www.immigration.com>
- [4] <https://immigration.com/JavaScript%3Aavoid%28%29%3B>