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Employer not paying, may I transfer H-1?

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Submitted by Chief Editor on Feb 4th 2009

At the very outset I would like to appreciate you for the credible service you are doing by explaining the law in a very lucid manner to a common man. I have an issue where I need your help. I am on H1 B since Oct 1st 2008 and working with my employer at his site. Though he is paying me in cash and kind he is not running a payroll for me since the inception. Now if I want to move or transfer my H1 to a different company can I do that with out the paystubs. If so that is great news for me, if not what are the options I have. Appreciate your help in this matter.

ANSWER:

It is illegal for an employer to pay you in cash (or kind) and not deduct payroll taxes.

You can transfer. Ask CIS to "forgive" being out of status because this is not your fault. If you want to make your case stronger, file a complaint against the employer for non-payment of wages. Use this form:

<http://www.dol.gov/whd/forms/wh-4.pdf> [2]

You can also contact the local WHD of DOL where you are:

<http://www.dol.gov/whd/> [3]

Not only will you most likely get your full salary for every day of H-2, you also well protected from any problems past or future due to non-payment. Good luck!

Unless the context shows otherwise, all answers here were provided by [Rajiv](#) [4] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) [5]

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[3] <http://www.dol.gov/whd/>

[4] <http://www.immigration.com/law-offices-rajiv-s-khanna-pc>

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