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Options for Nonimmigrant Workers Following Termination of Employment

Archived Content

The information on this page is out of date. However, some of the content may still be useful, so we have archived the page.

When nonimmigrant workers are laid off, they may not be aware of their options and, in some instances, may wrongly assume that they have no option but to leave the country within 60 days.

When a nonimmigrant worker's employment ends, either voluntarily or involuntarily, they typically may take one of the following actions, if eligible, to remain in a period of authorized stay in the United States:

- File an application for a change of nonimmigrant status;
- File an application for adjustment of status;
- File an application for a "compelling circumstances" employment authorization document; or
- Be the beneficiary of a nonfrivolous petition to change employer.

If one of these actions occurs within the up to 60-day grace period, the nonimmigrant's period of authorized stay in the United States can exceed 60 days, even if they lose their previous nonimmigrant status. If the worker takes no action within the grace period, they and their dependents may then need to depart the United States within 60 days, or when their authorized validity period ends, whichever is shorter.

Nonimmigrant status is typically based on an approved [Form I-129, Petition for a Nonimmigrant Worker](#) or after admission, a subsequently approved [Form I-539, Application to Extend/](#)



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[Status](#). A period of authorized stay typically includes the period when a timely filed nonfrivolous petition or application requesting an extension of stay or change of status is pending with USCIS, as described in detail below.

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Maximum 60-Day Grace Period



Portability of Employer Petitions



Change of Status



Adjustment of Status



Compelling Circumstances Employment Authorization Document



Expedite Criteria



Departure from the United States



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