

# COVID-19 Immigration-Related Updates

March 20, 2020 | Blog | By Immigration News Team

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We provide the following information to assist our clients to keep track of some of the most salient Coronavirus-related immigration changes and developments:

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### March 20, 2020

#### **USCIS Suspends Premium Processing for all Form I-129 and I-140 filings**

On March 20, 2020 U.S. Citizenship and Immigration Services (USCIS) announced that effective immediately, it is temporarily suspending Premium Processing services for all petitions filed using Form I-129 and I-140. Premium Processing is available for many I-129 and I-140 petition classifications, and results in a decision by USCIS within 15 calendar days for an additional filing fee of \$1,440.

The suspension is effective as of this date. Any Premium Processing requests that were previously postmarked but reach USCIS on or after March 20, 2020 will be rejected, and USCIS will return the \$1,440 filing fee. USCIS will still accept the petition and adjudicate it under standard processing.

#### **USCIS to Accept Reproduced Original Signatures for all Petition and Application Benefit Forms and Documents**

On March 20, 2020 U.S. Citizenship and Immigration Services (USCIS) announced that, due to business disruptions from the ongoing COVID-19 pandemic, it will accept reproduced original signatures on all forms and documents. This is effective for all submissions dated March 21 and beyond, and will remain in effect "for the duration of the National Emergency."

The announcement states that USCIS will accept a document that is, "scanned, faxed, photocopied, or similarly reproduced provided that the copy must be of an original document containing an original handwritten signature." It appears from the announcement that a signature stamp may not be used.

#### **DHS Announces Flexibility in I-9 Compliance Requirements**

On March 20, 2020 the Department of Homeland Security (DHS) announced that it is temporarily allowing employers to "defer" the physical presence requirements when completing Form I-9. The announcement includes the following details:

Employers that have gathering bans or restrictions due to COVID-19 are not required to perform an in-person review of the employee's identity and employment authorization documents.

In this case, employers must inspect the employee's "Section 2" I-9 documents remotely, using "video link, fax or email, etc."

Employers must obtain, inspect, and retain copies of the documents within three business days. Employers availing themselves of this option must provide written documentation of their remote onboarding and telework policy for each employee's Form I-9.

When completing Form I-9 pursuant to this COVID-19 remote work exception, the employer should annotate Section 2 of the Form I-9 by writing "COVID-19" in the "additional information" field of Section 2.

Once normal operations resume, within three business days the employer must perform a physical inspection of the I-9 documentation in the employee's presence.

Once business operations have resumed and the employer has physically inspected the employee's documents, the employer should add the phrase "documents physically examined" and include the date of the inspection. This annotation similarly should appear in the Additional Information field in Section 2 of the Form I-9.

This temporary policy will remain in place until May 19, 2020, or within three business days after the termination of the National Emergency, whichever comes first.

### **United States and Mexico Agree to Close Border to Nonessential Travel**

On March 20, 2020, President Trump announced that the United States and Mexico have agreed that effective Saturday, March 21, 2020, the U.S.-Mexican border will be closed temporarily for nonessential travel. The Trump administration indicated that this border closure is being treated as the same as the partial border closure announced on March 18 between the United States and Canada.

As additional details have not been released, it is not yet clear whether the arrangement with Mexico will mirror that entered into with Canada, with regard to U.S. citizens. As we learn more details about the status of U.S. citizens vis-à-vis this U.S.-Mexico border closure, we will provide an update.

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## **March 19, 2020**

### **Department of State (DOS) Warns U.S. Citizens Not to Travel Outside the U.S.**

On March 19, 2020 U.S. Secretary of State Mike Pompeo authorized a Level 4 Travel Advisory for U.S. citizens, raising the travel advisory to the highest possible level. The U.S. government has also urged American citizens who are outside the U.S. to make immediate arrangements to return unless they are prepared to remain abroad for an indefinite period. The government also warns U.S. citizens abroad who do not immediately return to the U.S. to avoid all other international travel.

### **Suspension of Routine Visa Services at U.S. Consulates Around the World**

On March 18, 2020 the Department of State (DOS) announced that it would (a) immediately suspend routine visa services in most countries worldwide, and (b) cancel all routine immigrant and nonimmigrant visa appointments. DOS hopes to reschedule interviews as soon as feasible. For visa applicants who have already paid their Machine Readable Visa (MRV) fees, the fee payment is valid for a year from the date it was paid.

### **Global Entry Enrollment Center Closures**

Effective March 19, 2020, U.S. Customs and Border Protection (CBP) will temporarily suspend operations at all Trusted Traveler Enrollment Centers nationwide in an effort to minimize the spread of COVID-19. The closures include enrollment centers for all Trusted Traveler Programs (Global Entry, NEXUS, Sentri, and FAST). The suspension is expected to remain in effect until at least May 1, 2020.

This will affect any conditionally approved applicant who had a previously-scheduled appointment to finalize their application. All appointments have been cancelled through May 1, 2020. The suspension will also affect any current member who needs to visit an enrollment center to update information in their Trusted Traveler account.

Applicants should monitor their email accounts for any updates to their applications.

As of today, the Enrollment on Arrival program will remain active. This allows conditionally-approved Global Entry applicants to complete their final interview upon arrival into the United States on an international flight at any of the 60 participating airports.

### **Reminder: TSA Will Allow Travel with an Expired Driver's License**

The Transportation Security Administration continues to accept expired state driver's licenses at airport security checkpoints. This temporary measure was put into place earlier this month due to the fact that many people have not been able to renew their driver's licenses as a result of Department of Motor Vehicle (DMV) office closures.

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## **March 18, 2020**

### **Canada Closes U.S.-Canada Border**

Travelers whose state driver's licenses expired starting on March 1, 2020, who have not been able to renew, may continue to use the expired license as a form of ID at airport security. TSA is expected to keep this policy in place for at least 60 days after the COVID-19 national emergency is lifted.

On March 18, 2020 the United States and Canada have agreed that effective on this date the countries are closing their 5,500-mile border to "all nonessential travel" including persons seeking to enter for tourism or for a recreation.

Canada Prime Minister Justin Trudeau announced that Canada would close its borders to people who are not Canadian citizens or permanent residents. U.S. citizens are exempt from Canada's entry restrictions, but are required to self-quarantine for 14 days following their entry.

Beginning Wednesday, March 18th, international flights coming into Canada will only be accepted at four airports: Pearson Airport in Toronto, Trudeau Airport in Montreal, Vancouver International Airport and Calgary International Airport.

The governments of both countries have promised to provide further details about what is considered nonessential travel and related considerations.

#### **USCIS Office Closures**

1. Effective March 18, 2020, U.S. Citizenship and Immigration Services (USCIS) is suspending in-person services at its Field Offices, Asylum Offices, and Application Support Centers (ASC). The suspension will be effective until at least April 1st and USCIS will provide limited emergency services. The suspended services include:

A.

- Scheduled Naturalization Appointments and Naturalization Ceremonies
- Scheduled Asylum interviews
- Scheduled Biometric Appointments
- Scheduled INFOPASS Appointments

USCIS Field Offices and USCIS Asylum Offices will send new Interview Notices with the new time, date, and location of the interview, appointment and/or event.

USCIS will continue to provide all services which do not involve contact with the public, such as evaluating and processing petitions and applications. As of now, there have been no changes to the cap-subject H-1B Registration and filing of cap-subject H-1B Petitions.

2. Effective March 18, 2020 Immigration Courts are postponing non-detained Master Calendar Hearings through at least April 16, 2020.

#### **Closure of Social Security Administration Field Offices**

On Tuesday, March 17, 2020 the Social Security Administration (SSA) suspended face-to-face service to the public in its field offices. [SSA Coronavirus update](#). SSA encourages the public to request SSA services online or by calling its national 1-800 telephone number. Field offices will offer in-person assistance only on a very short list of crucial services such as reinstatement of benefits in dire services, etc.

#### **Important Information for Persons Who Have Entered the U.S. in ESTA/Visa Waiver Status**

Individuals admitted to the United States pursuant to ESTA (the Visa Waiver Program) are admitted to the U.S. for a 90-day period and normally they may remain in the United States no longer than 90 days. The 90-day deadline is extremely strict and an overstay by even one day triggers very serious immigration consequences.

However if an emergency prevents someone in the U.S. in ESTA status from departing the United States within their period of authorized stay they may request a period of Satisfactory Departure for a period of up to 30 additional days if they have maintained their status and are still within their period of stay.

If you have a business visitor who may be unable to depart the U.S. within his/her 90-day ESTA admission period, contact your Mintz immigration attorney for guidance and assistance.

#### **Recent U.S. Consulate Closure Announcements**

On March 17, 2020 the United States Embassy and all Consulates in Canada are cancelling all routine nonimmigrant visa appointments. For the time being immigrant visa interviews are still being held at the Consulate in Montreal, subject to staffing capacity.

On March 17, 2020 the United States Embassy in London cancelled routine visa appointments and cancelled all visa appointments in Belfast.

Also on March 17, 2020 the United States Embassy in Japan announced that effective Thursday, March 19, 2020 it would suspend all nonimmigrant visa appointments. In its announcement, the Embassy indicated that it would continue to hold immigrant visa appointments. Visa applications that do not require an in-person interview will still be processed.

Authors



Immigration News Team