

U.S. Immigration Updates Related to Covid-19

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U.S. administrative agencies have acted swiftly, in response to the ongoing COVID-19 crisis. Effective immediately, the federal government has temporarily halted certain immigration programs and services, to accommodate reduced working hours, and to limit in-person interaction. Please see below for a summary.

U.S. CITIZENSHIP & IMMIGRATION SERVICES (USCIS) SUSPENDS PREMIUM PROCESSING SERVICE FOR ALL I-129 AND I-140 PETITION FILINGS

- **USCIS announced that it is suspending its expedited, Premium Processing service for all matters filed using Form I-129 or Form I-140:** Categories impacted by this announcement include H-1B, L-1, E-1/E-2, TN, and any other Nonimmigrant employment categories, or Immigrant Petitions for Lawful Permanent Residence. USCIS will reject any Premium Processing request, and related government filing fee, for petitions requesting expedited service that were placed in the mail before March 20, 2020, but not yet accepted at a Service Center. The full USCIS announcement can be found [here](#).
- **H-1B petitions, filed in the FY2021 'cap' lottery:** Premium Processing for these cases will resume in a two-phased approach:
 - **H-1B Change of Status requests for F-1 students:** will once again be eligible for Premium Processing service, no later than May 27, 2020.
 - **All other FY2021 cap-subject H-1B petitions:** will again be eligible for Premium Processing service, on or after June 29, 2020.

DEPARTMENT OF STATE SUSPENDS VISA SERVICES

The U.S. Department of State has suspended all routine visa processing, in most countries, as of **March 18, 2020**. The agency has further advised that intending travelers check the website of their local U.S. Embassy or Consulate, for current operating status. Any applicant for a U.S. Nonimmigrant or Immigrant Visa should anticipate an immediate unavailability of visa appointments, at nearly all U.S. posts worldwide. U.S. citizens are advised to avoid international travel altogether. Individuals from 'visa waiver' countries, eligible for travel to the U.S. without a visa, using the ESTA program, will not be impacted by the newly-announced visa suspension. However, those same individuals will likely be forbidden to travel to the U.S., due to the several European travel bans previously announced by the White House.

The full Department of State announcement can be found [here](#).

USCIS ANNOUNCES FLEXIBILITY IN SUBMITTING REQUIRED SIGNATURES

USCIS has announced that, as of March 20, 2020, the agency will accept all benefit forms and documents with reproduced original signatures, including filings using Form I-129 and Form I-140, for filings dated March 21, 2020 and beyond. This means that a document may be scanned, faxed, photocopied, or similarly reproduced, provided it is a copy of an original document, containing an original handwritten signature. This temporary change only applies to signatures. All other instructions must be followed, when completing related documents. The full USCIS announcement can be found [here](#).

USCIS CLOSURES PUBLIC OFFICES

USCIS has temporarily closed its offices to the public beginning through **at least April 1, 2020**. The office closure will have the following effects:

- **Biometrics appointments, Adjustment of Status interviews, Naturalization ceremonies, InfoPass appointments,** and other in-person services will not be available during the suspension.
- **USCIS will automatically reschedule all cancelled appointments.** Applicants need not contact USCIS in this regard. Specifically, USCIS will send cancellation notices to all individuals who are presently scheduled for an appointment. Once normal operations resume, applicants will receive a second notice, with a rescheduled appointment date.
- **Certain emergency services will remain available during the suspension.** Those in need of emergency services should contact a USCIS Contact Center.

APPROVALS FOR PERM LABOR CERTIFICATION APPLICATIONS WILL BE ISSUED ELECTRONICALLY

The U.S. Department of Labor, Office of Foreign Labor Certification has announced that, on a temporary basis, approved PERM Labor Certification Applications will be issued electronically, in response to the COVID-19 crisis. Employers can expect an electronic certification for any application that is approved **between March 25, 2020, and June 30, 2020**. The full Department of Labor announcement can be found [here](#).

The Department of Labor will deliver electronic PERM approvals (i.e. certified Forms ETA 9089) to employers and their attorneys, via email. Prior to the filing of a subsequent I-140 Immigrant Petition, the employer or attorney must print

the electronically delivered PERM approval, for the required signature by the employer, attorney, and sponsored candidate. The Department of Labor has indicated that a certified PERM application, prepared in this way, will be considered an “original” Labor Certification, under the law.

We will continue to monitor the impact of COVID-19 on immigration programs and services in the United States, and will provide additional updates as new information becomes available. Clients are also invited to visit the USCIS webpage, dedicated to COVID-19 and related updates: [here](#).

Please contact me or another member of our Immigration Practice Team if you have any questions or would otherwise like to discuss.



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