



News & Types: Immigration Update

COVID-19 Immigration Alert Update

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Practices: Immigration

As the Covid-19 pandemic continues to spread across the globe, U.S. government agencies are implementing measures that impact U.S. immigration policies. Below is a summary of the temporary actions taken by U.S. government agencies, to date, in response to the Covid-19 outbreak:

- Many U.S. consulates and embassies worldwide have announced suspension of certain visa operations, particularly in-person nonimmigrant visa appointments. However, certain consulates allow mail-in visa applications. Consequently, for applicants who wish to travel to apply for a new visa or require a new visa prior to returning to the U.S., they can check to see if they meet the criteria for mail-in visa processing, and apply using the mail-in criteria. Visa processing of mailed in visa applications is generally longer than regular processing. Consequently, applicants need to anticipate longer than usual wait times for visa issuance. Please note that the U.S. consular posts in Japan require physical presence in Japan for submission of the mail-in visa application.
- On March 20, 2020, the U.S. Citizenship and Immigration Services (USCIS) announced that it would temporarily accept all benefit forms and documents, dated March 21, 2020 and beyond, without original signatures, including the Form I-129, Petition for Nonimmigrant Worker. An original document may be scanned, faxed or photocopied for the duration of the National Emergency. This temporary change only applies to signatures. All other form instructions should be followed when completing a form. Applicants must retain copies of the original documents containing the “wet” signature as USCIS may, at any time, request the original documents.
- On March 20, 2020, the USCIS temporarily suspended premium processing for all Form I-129 and Form I-140 petitions. This includes new premium processing requests for all H-1B petitions, including H-1B cap-subject petitions for fiscal year 2021, petitions from previous fiscal years and all H-1B petitions that are exempt from the cap.
- On March 20, 2020, the Department of Homeland Security (DHS) announced that Employers who have implemented a telecommuting policy due to COVID-19 will not be required to review the employee’s identity and employment authorization documents in the employee’s physical presence to complete the Form I-9, Employment Eligibility Verification. However, employers must still inspect the Section 2 documents remotely (e.g., over video link, fax or email, etc.) and obtain, inspect and retain copies of the documents, within three business days for purposes of completing Section 2. Employers are required to follow additional steps to complete the Form I-9 pursuant to the temporary measure. The additional steps can be found at www.uscis.gov.

- USCIS is temporarily suspending in-person services at its offices nationwide, including Application Support Centers (ASCs), from March 18 to at least April 1, 2020. USCIS field offices will send notices to applicants and petitioners with scheduled appointments and naturalization ceremonies impacted by this closure. When USCIS again resumes normal operations, USCIS will automatically reschedule ASC appointments due to the office closure. Applicants will receive a new appointment letter in the mail.

Masuda Funai will provide further updates as the situation develops. Please reach out to counsel if you have any questions or concerns. For more information regarding the announced changes, please contact Fazila Vaid at fvaid@masudafunai.com.