

ALERTS

U.S. Immigration COVID-19 April Roundup

Immigration Team
MVA COVID-19 Resource Center
04.2020

In March, MVA provided a comprehensive summary regarding the impact the COVID-19 pandemic was having on U.S. immigration. Below is a roundup of the most important information impacting U.S. immigration since that summary.

U.S. Citizenship and Immigration Services (USCIS)

- *Continued Suspension of Services*

Since March 18, 2020, in-person services at USCIS local offices field offices, asylum offices, and Application Support Centers have been suspended. USCIS has confirmed that it is readying offices to reopen on or after June 4, 2020. Office openings can be monitored on the USCIS website.

U.S. Department of State (DOS)

- *Suspension of Immigrant Visa Processing*

On April 22, 2020, the President signed a Proclamation suspending the entry of those seeking to immigrate to the U.S. This action impacts individuals who are outside the U.S. and did not have a valid immigrant visa as of April 23, 2020, and did not have a valid travel document that permits entry to the U.S. The Proclamation does not prevent individuals who are in the U.S. from seeking Adjustment of Status and becoming Lawful Permanent Residents (ie, Green Card holders).

The Proclamation does not apply to the following: Green Card holders, persons seeking to enter the United States as a physician, nurse, or other healthcare professional, or in healthcare position related to combatting COVID-19, persons entering the U.S. as an immigrant pursuant to the EB-5 program, spouse and children of U.S. citizens, persons whose entry would further U.S. law enforcement objectives, members of the U.S. Armed forces, and persons whose entry would be in the national interest. The Proclamation is currently set to expire June 22, 2020, and may be continued as necessary.

As a practical matter, immigrant visas are issued by consular officers at U.S. Embassies and Consulates outside of the U.S., and since March 18, 2020, Embassies and Consulates have been closed worldwide in an effort to slow the spread of COVID-19.

U.S. Customs and Border Protection (CBP)

U.S. IMMIGRATION COVID-19 APRIL ROUNDUP

- *Continued Closure of the Canada and Mexico Borders*

The U.S., Canada, and Mexico, have agreed to extend current border restrictions for an additional 30 days. These restrictions include halting “non-essential” travel through land ports of entry. Individuals with valid visas crossing land ports of entry should be continue to be admitted into the U.S.

- *Continued Satisfactory Departure for ESTA Travelers*

If an emergency prevents an alien admitted using ESTA under the Visa Waiver Program from departing the U.S. within the period of authorized stay, a period of Satisfactory Departure may be granted not to exceed 30 days. The request must be made during the period of admission and the alien is still in status at the time of the request.

CBP has advised that satisfactory departure requests may be made at any CBP port of entry or Deferred Inspection site regardless of the individual’s initial port of arrival.

For ESTA entrants currently granted a period of satisfactory departure, but who remain unable to depart the United States due to complications brought on by COVID-19, CBP, in its discretion, may offer an additional satisfactory departure period of 30 days in order to avoid the accrual of unlawful presence.

MVA’s Immigration Practice Group will monitor developments with respect to these and other policy changes. Updates will be posted on our webpage and in the firm’s COVID-19 Resource Center.