

ALERTS

U.S. Immigration COVID-19 Important Updates

MVA COVID-19 Resource Center
08.2020

Since our last update, there have been a variety of important changes impacting the U.S. immigration system amid the ongoing COVID-19 pandemic. These changes include continued flexibility in the compliance realm as well as the resumption of in-person services in the U.S. and abroad, to name a few. The most significant changes and updates are highlighted below.

U.S. Citizenship and Immigration Services (USCIS)

- *Increase in Filing Fees*

On July 31st, USCIS announced a final rule adjusting the filing fees on a variety of applications and petitions requesting an immigration benefit. The fee adjustments are intended to cover the full cost of USCIS's operational needs. The new fees will be effective starting October 2, 2020.

The new fees reflect significant increases on several types of petitions but there are also some decreases. Notable fee changes include:

- I-129 H-1B fee: \$460 to \$555 (21% increase)
- I-129 L-1 fee: \$460 to \$805 (75% increase)
- I-129 O-1 fee: \$460 to \$705 (53% increase)
- I-129 TN fee: \$460 to \$695 (51% increase)
- I-140 fee: \$700 to \$555 (21% decrease)
- Adjustment of Status applications: \$1140 to \$1130 (1% decrease)
- Naturalization applications: \$640 to \$1160 (81% increase)

A full list of changes and a complete table of the final fees can be found in the final rule published in the Federal Register.

- *Public Charge Rule Enjoined*

On July 29, 2020, the U.S. District Court for the Southern District of New York issued two nationwide preliminary injunctions that block implementation and enforcement of the current USCIS and DOS public charge rules and policies during the declared national emergency in response to the COVID-19 outbreak. While the decision is in effect, USCIS will not consider any information provided by an applicant or petitioner that relates to the Public Charge Rule. Additionally, applicants and petitioners should not include the Form I-944 or provide information about the receipt of public benefits on Form I-485, Form I-129, or Form I-539/

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I-539A.

- *Resumption of in-person services*

In early June, USCIS began the process of reopening certain field offices and asylum offices for non-emergency in-person services. Application support centers have also started reopening and scheduling applicants for non-emergency in-person services like biometrics. Anyone planning to attend an in-person appointment at a field office or application support center should review the guidelines for entering these facilities. Information on office openings and guidelines for entering a USCIS facility be found on the USCIS website.

U.S. Department of State (DOS)

- *Resumption of Visa Services*

Routine visa services at US Embassies and Consulates worldwide have been suspended since March 18th. DOS announced in mid-July that consular posts were working toward resuming visa services and that each post would need to assess the COVID-19 situation in their region and then make a determination about whether in-person visa services were safe to resume. While a formal announcement from DOS about a full and complete resumption of visas services at posts worldwide is unlikely, several consular posts are starting to scheduling appointments for routine visa services. Applicants should contact MVA to discuss their options for visa stamping at a particular location.

U.S. Department of Labor (DOL)

- *PERM NOF Posting Requirement*

DOL's Office of Foreign Labor Certification (OFLC) confirmed that the PERM Notice of Filing (NOF) requirement is flexible and employers can satisfy this regulatory requirement by posting notice for 10 consecutive business days at the worksite. OFLC further confirmed employers could even satisfy the NOF requirement for PERM by posting the NOF on the exterior door of its building, office, or front entry even if the work place is 100% closed and employees are 100% remote, so long as the business is operational (i.e., conducting business).

U.S. Immigration and Customs Enforcement (ICE)

- *Continued I-9 and E-Verify flexibility*

On July 18th, ICE announced an additional extension of the flexibilities in complying with requirements related to Form I-9, Employment Eligibility Verification, due to COVID-19. The expiration date for these accommodations is now set to expire on August 19, 2020. Employers are encouraged to monitor the DHS and ICE websites for additional updates about when the extensions end and normal operations resume.

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MVA's Immigration Practice Group continues to 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.