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DHS CASE PROCESSING AND TRAVEL UPDATES

H-1B FISCAL YEAR 2021 LOTTERY SELECTION COMPLETE

USCIS announced that as of March 27, 2020 selections for the Fiscal Year 2021 H-1B quota-subject visa lottery have been made. Notification will be provided by **March 31, 2020** to successful lottery entrants who are eligible to submit a quota-subject H-1B petition starting April 1, 2020. USCIS will also provide instructions for submission timeline and location.

E-VERIFY

Along with making limited temporary provisions for I-9 compliance, DHS announced provisions for employers enrolled in E-Verify. Employers must **still create cases for new hires within three business days from the date of hire from the Form I-9**. If there is a delay in creating a case within E-Verify due to COVID-19, then employers should select "Other" from the dropdown list and enter "COVID-19" as the specific reason for delay. Although employers must still notify an employee of a Tentative Non-confirmation ("TNC") right away, there will be an extension of time for resolving the TNC due to Social Security Administration and other office closures.

As always, adverse action may not be taken against an employee while the E-Verify case remains in an interim case status.

U.S. LAND BORDER CLOSURES

To combat the spread of COVID-19, U.S. **northern and southern land** border crossings are closed for nonessential travel until **at least April 20, 2020**. This restriction does **not** apply to the cross-border transportation of goods between the U.S. and Mexico or the U.S. and Canada, or to travel by air, freight rail, or sea. U.S. Citizens, Lawful Permanent Residents, and members of the U.S. military and their immediate relatives may continue to return to the U.S. Essential travel for emergency response and public health, medical, employment, educational, lawful cross-border trade, official government or diplomatic, and military-related purposes **may continue** into the U.S. **Nonessential travel has not been fully defined, but includes tourism and recreation** (sightseeing, attending cultural events, gambling, etc.).

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DHS CASE PROCESSING AND TRAVEL UPDATES

This publication is a summary of legal principles. Nothing in this article constitutes legal advice, which can only be obtained as a result of a personal consultation with an attorney. The information published here is believed accurate at the time of publication, but is subject to change and does not purport to be a complete statement of all relevant issues.

It is worth noting that despite employment being categorized as an essential travel purpose, CBP ports of entry are not uniformly addressing such travel, resulting in confusion and irregularity for individuals applying for admission into the U.S. as **L-1 or TN** visa workers. The lack of uniformity applies to other visa holders and types of travel as well.

Given that this is a rapidly changing situation, please also refer to the following online resources, and be sure to review the “last updated” date:

- **World Health Organization, Health Topics: Coronavirus**
- **U.S. Centers for Disease Control and Prevention: Coronavirus Disease 2019**
- **U.S. Department of State: COVID-19 Country-Specific Information**
- **U.S. Department of Homeland Security: Coronavirus (COVID-19) Update**
- **ICE Guidance on COVID-19**
- **U.S. Department of Labor: Coronavirus Resources**

Associate **Ashley Moore** contributed to this briefing.

Wiggin and Dana’s Immigration and Nationality Law and Compliance Practice Group plans to provide additional briefings as more information becomes available. Please contact the practice group Co-Chair, Najia Khalid, at 203.498.4314 or nkhalid@wiggin.com if you have any questions.