

June 2, 2020

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IMMIGRATION AND COMPLIANCE BRIEFING:

DEPARTMENT OF HOMELAND SECURITY AGENCY UPDATES FOR JUNE

TEMPORARY I-9 POLICIES FOR COVID-19 COMPLIANCE FLEXIBILITY EXTENDED

Since March 20, 2020 the U.S. Department of Homeland Security ("DHS") has implemented a limited I-9 compliance flexibility policy for employers with no employees physically present at a worksite location. This includes permitting employers to accept digital versions of documents and complete Section 2 of Form I-9 without in-person review. For details on how to complete I-9 employer steps under this policy, please refer to our March 21, 2020 client alert [here](#).

The temporary policy was set to expire on May 19, 2020 and has been extended for an additional 30 days. Other temporary policies permitting an employer to accept certain expired List B identity documents remain in place. Please refer to the [government website for additional details](#).

LAWFUL PERMANENT RESIDENTS MAY STILL OBTAIN A TEMPORARY FORM I-551 (ADIT) STAMP

Despite office closures at the United States Citizenship and Immigration Services ("USCIS"), Lawful Permanent Residents ("green card holders") may still request an in-person appointment at the local USCIS field office if they require temporary proof of the immigration status. USCIS confirmed it will continue to schedule appointments for those

who have an "emergent need" to obtain a Form I-551 (ADIT) stamp in their passport.

The criteria for emergent need is not defined, and local field offices may apply different standards to determine whether an appointment is necessary. Circumstances likely to warrant an appointment during USCIS office closures include required international travel or proof of employment authorization. Individuals seeking appointments for ADIT stamps should contact USCIS through the Customer Service Center (800-375-5283) and be prepared to clearly explain and/or demonstrate the emergent need for obtaining an ADIT stamp.

USCIS, CONSULAR, AND LAND BORDER REOPENING

USCIS

- Beginning **June 4, 2020**, certain USCIS field offices and asylum offices will re-open to provide non-emergency services.
- Individuals with previously postponed or cancelled appointments, including naturalization ceremonies, will receive rescheduling notices.
- Application Support Centers (for biometrics) will remain closed until further notice.

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- See additional details [here](#).

**DEPARTMENT OF STATE ("DOS")
CONSULAR OFFICES**

- After lengthy COVID-19 related closures, certain U.S. Embassies and Consulates around the world are beginning to re-open and offer services, including in-person visa appointments. Per the DOS, there is no centralized re-opening timeline, and each consular post will set its own timeline with approval from the DOS, depending on local conditions.

LAND BORDERS

- The suspension of non-essential travel between land ports-of-entry across the northern and southern U.S. borders was extended for a second time on May 19, 2020, after being initially implemented on March 21, 2020. The suspension remains in place until June 22, 2020 and may be extended again.
- While this policy is in place, recreational travel, such as for tourism or visiting relatives, remains prohibited. Land border closures do not prohibit travel for essential workers, military personnel, or medical personnel engaged in activities combating the effects of COVID-19, and the transportation of goods is also exempted.

**PREMIUM PROCESSING SERVICE TO
RESUME IN PHASES**

Since March 20, 2020 USCIS has suspended its optional expedited "Premium Processing" service for all immigration benefits. The service enables petitioners to pay an additional fee of \$1,440 to obtain case review within 15 calendar days. Given that regular

case processing can be backlogged for many months, the expedited service is often necessary for a significant amount of employment-based cases. USCIS will resume Premium Processing in phases throughout June 2020, as follows, although these **dates are subject to change**:

- **June 1, 2020:** all eligible Forms I-140, Immigrant Petition for Alien Workers

- **June 8, 2020:** quota-exempt and pending H-1B petitions filed before June 8, 2020; all other eligible pending Form I-129 non-immigrant visa petitions filed before June 8, 2020

- **June 15, 2020:** H-1B petitions requesting Premium Processing with a concurrently-filed Form I-907 (or with a Form I-907 upgrade request for petitions filed on or after June 8, 2020) that are quota-exempt because the employer is cap-exempt; the beneficiary will be employed at a cap-exempt institution, entity, or organization; or the beneficiary is cap-exempt based on a Conrad/IGA waiver under INA section 214(I).

- **June 22, 2020:** all H-1B cap-subject petitions, for both concurrently filed I-907 requests and I-907 upgrade requests; all other premium processing-eligible Form I-129 petitions filed concurrently with an I-907 request.

Petitioners that filed a Form I-129 or a Form I-140 with an I-907 request, received a refund, and did not receive premium processing for cases may re-file an I-907 request per the timeline above. See additional details [here](#).

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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.

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

Wiggin and Dana's Immigration and Nationality Law and Compliance Practice Group will continue to provide COVID-19 related 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.

Visit Wiggin and Dana's COVID-19 Resource Center **[here](#)** for additional publications and helpful links on multi-disciplinary topics that are relevant during the current COVID-19 global pandemic.