



BOUSQUET HOLSTEIN PLLC

# Alert

## Immigration Practice Group

### LEGAL ALERT: Limited Immigration Services Continue

Syracuse ♦ Ithaca ♦ New York City

April 2020

In response to the coronavirus outbreak, the Department of Homeland Security and related agencies have closed or strictly limited many immigration-related services, but emergency services continue and some applications are still being processed. The following is an overview of the current immigration services.

#### **USCIS Offices Closed through at least May 3, 2020**

USCIS initially cancelled all interviews and in-person appointments from March 18 through April 1, 2020 but has now extended the closure through at least May 3, 2020. USCIS is automatically cancelling appointments that were scheduled during these time periods. USCIS will automatically send rescheduled appointment notices within 60 days of their reopening. In the meantime, USCIS service centers and lockboxes continue to accept immigration filings and ACS and Field Offices continue to provide limited emergency services.

#### **USCIS Announces Flexibility on Deadline Responses**

USCIS announced new flexibility in responses to Requests for Evidence (RFE), Notices of Intent to Deny (NOID), Notices of Intent to Revoke (NOIR) and Notices of Intent to Terminate (NOIT) regional investment centers, as well as certain filing date requirements for Form I-290B, Notice of Appeal or Motion. If you received one of these requests, notices, or decisions, dated between March 1, 2020 and May 1, 2020, USCIS will consider responses and filings received up to 60 calendar days after the scheduled response due date.

#### **USCIS Still Processing Employment Authorization Extension Requests**

Despite office closures, USCIS has agreed to use previously submitted biometrics to continue to process I-765 Application for Employment Authorization extension requests. If you have a pending I-765 to renew or extend your employment authorization, USCIS may use the biometrics they have on file to process that request.

#### **DOS Suspends Visa Services**

The Department of State suspended routine immigrant and non-immigrant visa services until further notice as of March 20, 2020. This means that U.S. Embassies and Consulates are cancelling all routine visa interviews. However, they continue to provide services to U.S. citizens and respond to urgent or emergency requests.

#### **Options for Those Stuck in the U.S. Due to COVID-19**

Many countries are restricting or banning travel from countries with COVID-19 outbreaks. Between the virus itself and the growing travel restrictions, foreign nationals may find themselves struggling to return home safely from the U.S. on time.

Travelers who entered the U.S. on the visa waiver program, also known as ESTA, may be able to get "satisfactory departure" if they cannot leave on time. Customs and Border Protection (CBP) can grant up to a 30-day extension. CBP is implementing this provision of the law very differently in different locations. Refer to the CBP office governing your jurisdiction or speak with an attorney to determine whether you can use satisfactory departure.

If you are in the U.S. on a non-immigrant status that will soon expire, such as a B1/B2 or an H-1B, you may be eligible to apply for an extension of status or change of status. To extend or change your status, you must apply to USCIS while you are still in your current valid status.

It is important to keep in mind that the procedures are constantly changing, and our immigration group is closely monitoring the developments on these issues. For questions and/or additional information, please contact:

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