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News & Insights

Coronavirus Impacts Immigration Compliance and Travel Restrictions

Alert

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By Elizabeth Chatham

The coronavirus (COVID-19), declared a pandemic by the World Health Organization and as a result, President Trump has made a proclamation restricting travel into the United States and an emergency declaration to help control the global threat and spread of the virus to the U.S. Effective March 13, 2020 foreign nationals, considered immigrants and nonimmigrants (such as H-1B, TN, L-1, O-1, P-1, E1/E2, F-1, and J-1 visa holders) will not be allowed into the United Sates, who within the last 14 days have been in any of the following countries:

China, Iran, Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, The Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and Switzerland. The ban will be in effect for 30 days, and may be extended.

The United Kingdom and Ireland are not included in this ban.

U.S. citizens, legal permanent residents, certain immediate relatives of U.S. citizens or lawful permanent residents are not subject to the ban, but must undergo extensive screening at one of the national airports and self-quarantine for a period of 14 days upon arrival in the United States when arriving from one of the identified 26 countries on the current travel restriction list.

Employers are advised to communicate to their employees to reconsider international travel due to the travel restrictions in place and the possibility of expansion of additional countries to the list. It will also be difficult to schedule visa appointments at US Consulates.

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The State Department has announced that several consular posts have either temporarily suspended visa services or have greatly reduced their staffing.

In addition, employers in the U.S. are electing to take precautions and preventative measures to keep their employees safe and lessen the virus from spreading. At the time of this writing U.S. Citizenship and Immigration Services has not provided any guidance for employers whose employees are subject to and limited to particular worksites based on their visa status, such as H-1B and E-3 visa holders.

While there are temporary short term placement options, additional compliance may be required if a change in worksite lasts more than 30 days, including posting certified labor condition applications (LCA) or filing an amended petition with USCIS. Employers should consult their immigration attorney when making any changes to worksite locations or duties of their foreign national employees.

CONTACT

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