

Publications

Immigration Alert: Immigration Consequences of Salary Reduction, Furloughs and Layoffs

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As state, local, and even federal authorities issue and extend stay at home or shelter in place orders related to COVID-19, businesses are increasingly faced with difficult challenges regarding their workforces. More and more of these businesses are facing the reality of the need to implement salary reductions, furloughs, and layoffs. If any of the employees affected by these decisions are in the U.S. on temporary work visas, businesses may need to take special care with how these decisions impact those workers and their sponsorship obligations.

The Department of Labor and the U.S. and Citizenship and Immigration Services have yet to issue any special guidance or relax any statutory or regulatory requirements regarding the treatment of nonimmigrants in these circumstances. If you are an employer contemplating a salary reduction, furlough, or layoff, and employ nonimmigrant visa holders, we encourage you to proceed with caution and to reach out to your Vorys attorney to confirm whether these actions may trigger certain obligations under U.S. immigration laws.

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Vorys COVID-19 Task Force

Vorys attorneys and professionals are counseling our clients in the myriad issues related to the coronavirus (COVID-19) outbreak. We have also established a comprehensive Coronavirus Task Force, which includes attorneys with deep experience in the niche disciplines that we have been and expect to continue receiving questions regarding coronavirus. Learn more and see the latest updates from the task force at vorys.com/coronavirus.