



# Immigration in the time of COVID-19

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## Agenda

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- Government operations & Travel
- H-1B cap updates
- COVID-related changes in employment
  - Temporary visas
  - PERM process
  - Affected Employees
- Q&A

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## Government Operations & Travel

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- USCIS maintains operations
- PP suspension
  - Increased use of H portability
  - I-140s and max out, H-4 EAD issues
- Processing times generally
- Travel issues
  - US visa issuing posts status
  - Other country travel restrictions/quarantines

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## Government Operations & Travel

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*(Continued)*

- Compliance – I-9
  - “virtual” I-9 completion
  - Upcoming Seminar
- Accommodations/deadlines litigation

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## H-1B Cap Updates

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- Lottery results
  - 275,000 entries, modestly higher than last year
  - Masters cap just under 50% selection rate (slightly lower than last year)
  - Bachelor's cap around 30-35% selection rate (same as last year)
  - Limited number of duplicate filings rejected

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## H-1B Cap Updates

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*(Continued)*

- When do petitions need to be filed
- What if registered workers may not be needed or are furloughed now
- What to expect for RFE and denial rates

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## Changes in Employment: Employer Issues Temporary Visas

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- H-1B, E-3, H-1B1 vs. all other visas (TN, L, E, O, etc.)
- Work from home
  - LCA posting
  - Is home “worksite”?
- Change location
  - Is new location “worksite”?
  - Short term placement rule
  - Amended H
- Part time
- Termination and re-hire

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## Changes in Employment: Employer Issues Temporary Visas

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*(Continued)*

- Furlough
- Pay cut
- Part time
- Termination and re-hire

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## Changes in Employment: Employer Issues

### PERM

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(Continued)

- PERM recruitment
- Postings – in person with electronic supplement
- Effects of layoffs
- Likely effect on adjudications – increased audits/supervised recruitment

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## Changes in Employment: Employee Issues

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- F-1 unemployment
- 60-day grace period for H
- Other classes – COS to B? COS to F with CPT?
- Eligibility for CARES Act payments (SSN vs spouse ITIN)
- Eligibility for unemployment (depends on state law, “available for employment”)

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## Changes in Employment: Employee Issues

(Continued)

- Pending AOS cases and I-485J
  - Job \*offer\* starting in reasonable time after AOS
  - Permanent job
  - Self employment
  - Same or a similar occupation

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## Upcoming Webinar

- Worksite Compliance in the Time of COVID-19
  - **Description:** Our team will provide the latest updates regarding worksite compliance in the time of COVID-19 including guidance regarding new I-9 completion rules, remote work, E-Verify and enforcement
  - **Speakers:** Elise A. Fialkowski & Andrew J. Zeltner
  - **Date:** May 19, 2020

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# Questions?



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