

March 21, 2020

Several important announcements were made today by different US immigration-related agencies. The most current updates are below:

ICE announced flexibility regarding Form I-9 completion requirements.

Immigration and Customs Enforcement (ICE) announced today that employers taking physical proximity precautions will not be required to review the employee's identity and employment authorization documents in the employee's physical presence. **However, employers must inspect the Section 2 documents remotely** (e.g., over video link, fax or email, etc.) and obtain, inspect, and retain copies of the documents, within three business days for purposes of completing Section 2. Employers also should enter "COVID-19" as the reason for the physical inspection delay in the Section 2 Additional Information field once physical inspection takes place after normal operations resume. **Employers must physically examine the employee's documents in person once normal operations have resumed and update the Form I-9 accordingly.**

ICE's announcement is available at the [US Immigration and Customs Enforcement's website](#).

USCIS suspended premium processing for all I-129 and I-140 petitions.

The US Citizenship and Immigration Service (USCIS) announced that, effective March 20, 2020, it will temporarily suspend premium processing for all Forms I-129 (nonimmigrant visa petitions) and all Forms I-140 (immigrant visa petitions) due to COVID-19. USCIS will reject the I-907 and return the \$1,440 filing fee for all petitions requesting premium processing that were mailed before March 20 but not yet accepted.

This includes new premium processing requests for all H-1B petitions, including H-1B cap-subject petitions for fiscal year 2021, petitions from previous fiscal years, and all H-1B petitions that are exempt from the cap.

USCIS announced flexibility with regard to "wet ink" signature requirements.

USCIS announced that, due to the ongoing COVID-19 National Emergency, it will accept all benefit forms and

documents with reproduced original signatures, including the Form I-129, Petition for Nonimmigrant Worker, for submissions dated March 21, 2020, and beyond.

This means that a document may be scanned, faxed, photocopied, or similarly reproduced **provided that the copy must be of an original document containing an original handwritten signature**. For forms that require an original “wet” signature, per form instructions, USCIS will accept electronically reproduced original signatures for the duration of the National Emergency. **Note that this does not allow for e-signatures** by means of DocuSign, AdobeSign, etc. This temporary change only applies to signatures. Individuals or entities that submit documents bearing an electronically reproduced original signature must also retain copies of the original documents containing the “wet” signature, as USCIS may, at any time, request the original documents.

Nonessential travel between the United States and Mexico is now restricted.

The Trump administration announced that nonessential travel between the United States and Mexico will halt as of Saturday to try to stop the spread of the coronavirus. The agreement is similar to the one announced earlier this week to partially close the US border with Canada, both of which go into effect on Saturday.

Acting Secretary of the Department of Homeland Security Chad Wolf indicated that essential travel that will still be allowed includes people traveling for medical reasons, education, emergency response, public health services and trade. Further, the restrictions will not apply to “lawful trade or commerce.” Recreational travel or tourism will not be allowed.

DOL issued guidance (FAQs) for both the H1Bs and PERM cases

The US Department of Labor's (DOL) Office of Foreign Labor Certification (OFLC) announced that it remains fully operational during this National Emergency and that the National Processing Centers (NPCs), PERM System, and Foreign Labor Application Gateway (FLAG) System are all operational.

OFLC confirmed that it will continue to communicate with employers and attorneys via email and provided DOL contact information for the H-1B, H-2, Prevailing Wage, and PERM programs.

Further, OFLC indicated that it will grant extensions of time and deadlines for employers and/or their authorized attorneys or agents affected by the COVID-19 pandemic, including for delays caused by the COVID-19 pandemic and those that occurred as a result of businesses preparing to adjust their normal operations due to the COVID-19 pandemic. The FAQ provides specific details for each of the above-noted programs.

Finally, the FAQ provides guidance with regard to Labor Condition Application (LCA) and PERM notice and filing requirements.

The FAQ is available by clicking [here](#).

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