

COVID-19: Immigration and Travel Updates

March 20, 2020

The impact of COVID-19 on international travel and immigration is fluid, and rapidly changing hour by hour. It is important to take common-sense measures to stay home and work remotely whenever possible. It is very likely that employees impacted by the border closures may not be able to resume employment on-site in the United States, until the COVID-19 pandemic is under control. The definition of who is deemed to be an "essential worker" may change daily. Therefore, we advise all employers to use common sense in light of the advisory.

U.S. DEPARTMENT OF STATE HAS ISSUED A LEVEL 4 TRAVEL ADVISORY

- **All international travel is discouraged**
- **U.S. Citizens who are currently outside of the United States must return to the U.S. immediately or be prepared to reside outside of the U.S. indefinitely**

U.S.-MEXICO BORDER CLOSURE- IN EFFECT UNTIL APRIL 21, 2020

On March 20, 2020, President Trump (via press conference) announced that the United States–Mexico border will close to **all non-essential travel for 30 days**.

- Effective at 12 a.m., **March 21, 2020**, the U.S. and Mexico will temporarily restrict **all non-essential travel** across the U.S.-Mexico land border for **30 days**.
- Trade and commerce will continue.
- Examples of "**Essential Travel**" include but are not limited to: travel for medical purposes, to attend educational institutions, for emergency response/public health purposes and lawful cross-border trade.
- Non-essential travel will be temporarily suspended for 30 days.

U.S.-CANADA BORDER CLOSURE- IN EFFECT UNTIL APRIL 21, 2020

- Effective at 12 a.m., **March 21, 2020**, the U.S. and Canada will temporarily restrict **all non-essential travel** across the U.S.-Canada land border for **30 days**.
- "Non-essential" travel is travel that is considered tourism or recreational in nature.
- Commercial Trade and commerce such as supply chains, including trucking, are NOT impacted.
- Canada announced that U.S. citizens and Canadian citizens who cross the **land border** daily to perform "essential work" or for other urgent or essential reasons will not be impacted by the closure.
- No formal guidance has been provided by USCBP as to who is considered to be an "Essential Traveler."

SUSPENSION OF ENTRY OF ALL INDIVIDUALS WITHOUT PROPER TRAVEL DOCUMENTATION

- Effective immediately, the Center for Disease Control has mandated that the Department of Homeland Security suspend the entry of ALL individuals, at both the northern and southern borders, who lack proper travel documentation. As an example, this order will effectively ban asylum-seekers from entry into the U.S. to pursue

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such a claim.

ALL VISA SERVICES SUSPENDED

- All routine nonimmigrant AND immigrant visa services at all U.S. Embassies and Consulates have been suspended.
- As resources allow, embassies and consulates will continue to provide emergency and mission-critical visa services.
- Services to U.S. citizens continue to be available.

MAINTENANCE OF NONIMMIGRANT H-1B STATUS DURING COVID-19:

- H-1B employees temporarily working from a home office location that is within the same Metropolitan Statistical Area (MSA) as the employer's work location should post the Labor Condition Application (LCA) posting notice for 10 days at the employee's home office as soon as possible, but **no later than 30 days after the employee begins working at the home office location.**

MAINTENANCE OF F-1 NONIMMIGRANT STATUS DURING A LAYOFF:

- F-1 students employed pursuant to their first year of post-completion optional practical training (OPT) who are terminated may remain unemployed for up to a total of 90 days.
- F-1 students employed pursuant to their STEM period of post-completion optional practical training (OPT) who are terminated may remain unemployed for up to 150 days.
- Periods of unemployment accrued during the first year of post-completion OPT count towards the 150 day unemployment period permitted to their STEM OPT holders.

If you have questions about how the COVID-19 travel restrictions impact you, please contact the authors or your Miller Canfield attorney.

This information is based on the facts and guidance available at the time of publication, and may be subject to change.