

Updates from USCIS in Response to COVID-19

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On April 13, 2020, USCIS issued two new updates in response to the rapidly-changing environment created by COVID-19, which are summarized below:

1. Receipt notices for filed H-1B cap cases will be delayed – USCIS announced that data entry and receipt generation for H-1B cap cases will be delayed until at least May 1, 2020. The filing date window for this year's H-1B season opened on April 1, and as a reminder, premium processing has been suspended. Once USCIS does begin data entry, it will process petitions in the order they were received, and the receipt date will reflect the date the service center physically received the petition. This initial delay will, in turn, result in adjudication delays, but the 90 day window to file H-1B cap cases will not be extended. In addition, depending on workload, petitions may be transferred to a service center other than the one that originally received it.
2. USCIS may consider a request for flexibility in late filings for extensions of status: <https://www.uscis.gov/news/alerts/covid-19-delays-extensionchange-status-filings> – USCIS states that it recognizes there are challenges to timely filing petitions requesting an extension of status for those who have expiration dates looming. USCIS reiterates the options available for those whose statuses may expire, including applying for an extension of status in a timely manner. Those who file late due to COVID-19 may request that USCIS review the circumstances surrounding the filing. Current regulations allow USCIS to use its discretion to excuse the failure to file on time, and evidence must be submitted by the petitioner or applicant as to why the filing was late. Resources are available here: <https://www.uscis.gov/humanitarian/special-situations>

USCIS also set out a reminder that for those who have entered under ESTA, they may request satisfactory departure with CBP, which may give an additional 30 days of stay in the U.S.

GT will continue to monitor updates from USCIS and other agencies.

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