



IMMIGRATION UPDATE - JUNE 09, 2020

Posted on June 9, 2020 by Cyrus Mehta

Headlines:

[Dept. of Transportation Allows Chinese Air Carriers to Enter United States Twice Weekly 'In Aggregate'](#) – DOT is permitting Chinese air carriers, in aggregate, the right to operate two weekly passenger flights to the United States, effective immediately.

[USCIS Resumes Non-Emergency, Face-to-Face Services to Public](#) – Certain USCIS field offices and asylum offices have resumed non-emergency, face-to-face services to the public. Application support centers will resume services later.

[OFLC Releases Round 4 of COVID-19 FAQs Regarding Extensions](#) – OFLC will adjudicate any extension requests on a case-by-case basis.

[OFLC to Migrate Website to New Domain](#) – OFLC plans to migrate its website in mid-July following the July H-2B peak filing period.

[ABIL Global: United Kingdom](#) – The Home Office has clarified what those stuck outside the United Kingdom (UK) with expired 30-day entry visas must do to be able to enter the UK. Also, the Home Secretary has announced a 14-day quarantine regime for international passengers arriving in the UK.

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Details:

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Dept. of Transportation Allows Chinese Air Carriers to Enter United States Twice Weekly 'In Aggregate'

The Department of Transportation (DOT) announced on June 5, 2020, that it will permit Chinese air carriers, in aggregate, the right to operate two weekly passenger flights to the United States, effective immediately.

DOT said it reversed its June 3, 2020, regulatory action to ban Chinese flights after the Civil Aviation Authority of China responded on June 4 by revising its restrictions to allow U.S. carriers the ability to operate one flight per week each to China. "As a result of China's willingness to permit U.S. carriers the opportunity to operate one weekly passenger flight each, revised its June 3rd order today."

Details:

- DOT announcement, <https://www.transportation.gov/briefing-room/us-department-transportation-modifies-june-3-order-regarding-chinese-carriers>
- DOT June 5, 2020, order, <https://www.transportation.gov/sites/dot.gov/files/2020-06/China%20Part%20213%20Order%20Amendment%20Final%202020-6-3.pdf>

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USCIS Resumes Non-Emergency, Face-to-Face Services to Public

U.S. Citizenship and Immigration Services (USCIS) announced that as of June 4, 2020, certain USCIS field offices and asylum offices have resumed non-emergency, face-to-face services to the public. Application support centers will resume services later.

USCIS said it has enacted precautions to prevent the spread of COVID-19 in its reopened facilities, including social distancing, hand sanitizers provided at entry points, and mask requirements, among others. Individuals are encouraged to bring their own black or blue ink pens. Visitors may not enter the facility more than 15 minutes before their appointments, or 30 minutes before naturalization ceremonies.

Details: USCIS notice, which includes additional requirements, <https://www.uscis.gov/about-us/uscis-response-covid-19>

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OFLC Releases Round 4 of COVID-19 FAQs Regarding Extensions

On June 3, 2020, the Office of Foreign Labor Certification in the Department of Labor's Employment and Training Administration released Round 4 of frequently asked questions (FAQs) related to COVID-19 issues. The FAQs note, among other things, that in the COVID-19 Round 1 FAQs, OFLC made accommodations for extensions of time and deadlines for employers affected by the COVID-19 pandemic that expired on May 12, 2020. OFLC has not extended these accommodations beyond May 12, 2020. The agency noted that it has remained fully operational during the federal government's maximum telework flexibilities operating status, including the National Processing Centers, PERM System, and Foreign Labor Application Gateway System.

OFLC said employers may still request extensions under appropriate circumstances if they require additional time to respond to a deadline. Requests for extensions must clearly explain why the extension is necessary and be made on or before the date of the deadline to respond, and OFLC will adjudicate any such requests on a case-by-case basis.

The FAQs also note that due to service disruptions and other business operations temporarily affected by the pandemic, some employers may have been prevented from completing recruitment requirements within the 180-day timeframe. OFLC will no longer accept recruitments completed after the regulatory deadlines have passed. Any delayed recruitment associated with the extension provided in Round 1 of the COVID-19 FAQs, conducted in conjunction with the filing of an application for permanent labor certification, must have started on or after September 15, 2019, and the filing must have occurred by May 12, 2020. If this has not occurred, OFLC said, the application will be denied because the recruitment would not comply with PERM regulatory requirements.

Details:

- OFLC Round 4 FAQs, which include information on requests for extensions of time, <https://www.foreignlaborcert.doleta.gov/pdf/OFLC%20COVID-19%20FAQs%20Round%204.pdf>

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OFLC to Migrate Website to New Domain

The Office of Foreign Labor Certification in the Department of Labor's Employment and Training Administration plans to migrate its website in mid-July following the July H-2B peak filing period. The changes will offer a new design and layout.

Once the new website is launched, the old URLs for webpages and files on <https://www.foreignlaborcert.doleta.gov/> will be redirected to the corresponding links at <https://www.dol.gov/agencies/eta/foreign-labor-certification>. Users with bookmarked webpages or who use a search engine will be redirected to the new website location. The migration to the new OFLC website domain is not expected to affect the Foreign Labor Application Gateway (<https://flag.dol.gov/>), Permanent Online Filing (<https://www.plc.doleta.gov/>), or SeasonalJobs.dol.gov (<https://seasonaljobs.dol.gov>) websites. "Users of these websites should encounter no service disruptions," OFLC said.

Details:

- OFLC announcement, <https://www.foreignlaborcert.doleta.gov/> (scroll to June 3)

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ABIL Global: United Kingdom

The Home Office has clarified what those stuck outside the United Kingdom (UK) with expired 30-day entry visas must do to enter the UK. Also, the Home Secretary has announced a 14-day quarantine regime for international passengers arriving in the UK.

New Home Office guidance confirms that those with expired 30-day entry visas must apply for a replacement visa before traveling. Before the end of 2020, the person must email the Coronavirus Immigration Help Centre to obtain a replacement visa free of charge once the visa application centers reopen.

Also, Home Secretary Priti Patel announced on May 22, 2020, that a 14-day quarantine regime for international passengers arriving in the UK will begin on June 8, 2020.

Details:

- UK Immigration FAQs for UK Visa Holders and Businesses, <https://www.kingsleynapley.co.uk/services/department/immigration/coronavirus-covid-19-uk-immigration-faqs>
- Home Secretary Announces 14-Day Quarantine for International Passengers Arriving in the UK, <https://www.kingsleynapley.co.uk/insights/news/immigration-update-home-secretary-announces-14-day-quarantine-for-international-passengers-arriving-in-the-uk>

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Firm in the News

Cyrus Mehta was a panelist in a webinar organized by the AILA Latin American and Caribbean Chapter entitled “Q&A the Experts” on June 4, 2020..

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