



# February Immigration Update: Coronavirus, fees and H-1B electronic registration

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A [Presidential proclamation](#) has suspended the admission of nonimmigrants and immigrants who have traveled within mainland China 14 days prior to their attempted entry into the United States. Individuals may be excepted from the proclamation such as U.S. permanent residents or spouses of U.S. citizens. In addition, flights from China have been directed to 11 [designated airports](#) where the Center for Disease Control (CDC) has implemented health protocols which include a mandatory quarantine period. These protocols apply to U.S. citizens and likely would apply to individuals exempted from the proclamation.

## USCIS Proposes Rule to Adjust Fees

The United States and Citizenship Immigration Services (USCIS) has proposed [a rule](#) to increase filing fees for most applications and petitions for immigration benefits. The proposed rule would increase filing fees by a weighted average of 21%. In addition to fee increases, the proposed rule seeks to increase the premium processing timeline to 15 business days as opposed to the current 15 calendar days.

The proposed rule would also separate the [Form I-129](#) into several forms based on the specific nonimmigrant classification sought and impose different fees for each classification. The current filing fee for Form I-129 is \$460 and is used for those seeking and/or extending H, L, E, O, P, R, Q, and TN status. The H-1B filing fee would increase to \$560 and the L-1 filing fee would increase to \$815.

Filing fees related to [Adjustment of Status](#) (Form I-485) would also increase. Currently, an applicant may file a Form I-485 along with an application for an employment authorization document (Form I-765) and advance parole (Form I-131), which is a travel document. In that situation, there is no filing fee for Forms I-765 and I-131. The

proposed rule would require an applicant to pay separate filing fees for Forms I-765 and I-131.

### **New Version of I-9 Available Now**

Employers should begin using the [new Form I-9](#) to verify employment authorization for new hires and to re-verify the employment authorization of existing employees, as needed. Employers should not complete a new I-9 for existing employees who already have properly completed a previous Form I-9. The new version contains minor changes to the form and its instructions. Employers may continue using the prior version of the form (Rev. 07/17/2017 N) until April 30, 2020. After April 30, employers can only use the updated version.

### **Annual Verification Period for SEVIS**

The annual verification period for Student and Exchange Visitor Information System ([SEVIS](#)) started on Dec. 3, 2019 and ends on March 2, 2020. During the verification period, all principal designated school officials (PDSO), designated school officials (DSO), responsible officers (RO) and alternate responsible officers (ARO) must verify they are still employed by the school and require access to SEVIS. Designated school officials not verified by March 2, 2020 will lose access to SEVIS on March 3, 2020.

### **Termination of E-1 and E-2 visa eligibility for Iranian nationals**

USCIS [announced](#) that Iranian nationals are no longer eligible for E-1 and E-2 nonimmigrant visas. This change stems from the October 3, 2018 [termination](#) of the 1955 Treaty of Amity, Economic Relations, and Consular Rights with Iran. E-1 and E-2 visas are available for treaty traders/investors and are based on reciprocal treaties with certain countries. USCIS will send Notices of Intent to Deny for E-1/2 extension petitions that were filed for any Iranian nationals after October 3, 2018. Any Iranian who currently holds E-1/ E-2 status can remain in the U.S. until their current status expires.

### **Electronic Registration for H-1B Cap Lottery**

More information on the upcoming H-1B Electronic Registration process can be found on USCIS' [website](#). The initial registration period will run from March 1, 2020 to March 20, 2020. USCIS has implemented a \$10 registration fee per submission.

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*To provide guidance and support to clients as this global public-health crisis unfolds, Frost Brown Todd has created a [Coronavirus Resource Page](#). We have also convened a dedicated Coronavirus Response Team, with attorneys on hand to field questions concerning labor and employment matters, commercial contracts, litigation risks, as well as business succession, continuity and crisis response planning.*

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