



October Immigration Updates

Employers Need to Know

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U.S. opening to fully vaccinated travelers from Canada and Mexico

The U.S. will open its borders to fully vaccinated travelers from Canada and Mexico, lifting restrictions on non-essential travel that has been in place since March 2020. Starting in November, those seeking entry to the U.S. through Mexico or Canada will be able to enter after providing proof of vaccination. This vaccination requirement also applies to essential travelers who were not previously banned from entering the U.S. from Canada or Mexico, including commercial drivers and students. Unvaccinated travelers will not be allowed entry to the U.S. from Mexico and Canada land borders. This announcement follows last month's [announcement](#) opening travel to the U.S. from other restricted countries overseas. Both restrictions are set to be lifted in early November, but an exact date has not been announced.

DHS Extends Form I-9 Requirement Flexibility

The Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) continues their COVID-19 flexibility policy to comply with Form I-9, Employment Eligibility Verification requirements. This temporary guidance was first announced on March 20, 2020 and is now extended until December 31, 2021. This extension permits employers operating fully remote to continue to remotely review employee's Form I-9 identity and employment authorization documents (e.g., over video link, fax or email, etc.) Copies of the presented documents should be retained.

Once normal operations resume, all employees onboarded using remote verification, must report to their employer within three business days for in-person verification of documents. Thus, it is strongly recommended that employers who choose to inspect documents remotely have a written COVID-19 remote onboarding

policy in place to ensure that all necessary actions take place in the required timeframe.

DHS Continues Temporary Protected Status (TPS) Designations for El Salvador, Haiti, Honduras, Nepal, Nicaragua and Sudan

DHS announced the automatic extension of TPS designations for six countries – El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan. DHS is also automatically extending the validity of TPS-related documentation, including Employment Authorization Documents (EADs) for TPS beneficiaries from these six countries through December 31, 2022.

TPS beneficiaries from these six countries may show their EADs to employers to demonstrate their employment authorization or may choose to show employers the Federal Register notice (86 FR 50725) to explain that their TPS-Related Documentation has been automatically extended through December 31, 2022.

COVID-19 Vaccine Required before obtaining Immigration Medical Exams

As of October 1, 2021, applicants applying to become lawful permanent residents (green card holders) and certain other immigration-related applicants must show proof of COVID vaccination to a USCIS-designated civil surgeon as a prerequisite to obtaining the immigration medical examination.

Immigration medical examinations are documented by Form I-693 and conducted to show that an applicant is free from any conditions that make the applicant inadmissible under health-related grounds. The vaccination requirement may be waived for reasons of age, existing contraindication, routine unavailability of the vaccine where the civil surgeon practice, supply constraints that would significantly delay vaccination of the applicant, and religious beliefs or moral convictions. To obtain waivers based on religious beliefs and moral convictions, individuals should submit Form I-601, Application for Waiver of Grounds of Inadmissibility.

If you have any questions relating to the updates listed above, please contact [Yan \(Michelle\) Xu](#), [Emily Tanji](#), [Alicia Visse-Kroger](#) or any attorney in Frost Brown Todd's [Immigration](#) practice group.

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