

Phased reopening of U.S. Embassies and Consulates, and other updates on visa availability and U.S. immigration

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U.S. Embassies and Consulates to Reopen Gradually

Starting tomorrow, July 15th, the U.S. Department of State will begin a phased reopening of its Embassies and Consulates worldwide, on a post-by-post basis.

Services presumed to be resuming include nonimmigrant visa appointments, immigrant visa appointments for those exempt from the recent executive orders prohibiting the issuance of immigrant visas, and other services such as U.S. passport and other citizenship-related services (e.g., consular report of birth abroad, notarization services, etc.). However, certain services at any given location may be rolled out more slowly than others, likely depending on available Department of State resources, and case backlogs.

Presidential Proclamations and Other Policies Limiting Visa Issuance

Presidential proclamations and policy changes that continue to impact the availability of visas, despite the gradual resumption of services include:

- [Proclamation 9984](#) (January 31, 2020), which suspended travel to the U.S. by foreign nationals who were physically present in the People's Republic of China (excluding the Special Administrative Regions of Hong Kong and Macau) within the 14 days preceding entry or attempted entry into the United States.
- [Proclamation 9992](#) (February 29, 2020), which suspended travel to the U.S. by foreign nationals who were physically present in Iran within the 14 days preceding entry or attempted entry into the United States.
- [Proclamation 9993](#) (March 11, 2020), which suspended travel to the U.S. by foreign nationals who were physically present in any Schengen Area country within the 14 days preceding entry or attempted entry into the United States.
- [Proclamation 9996](#) (March 14, 2020), which suspended travel to the U.S. by foreign nationals who were physically present in the UK or Republic of Ireland (with certain exemptions, such as for certain major-league international athletes, staff and dependents whose presence in the U.S. is considered in the national interest) within the 14 days preceding entry or attempted entry into the United States.
- [Proclamation 10014](#) (April 22, 2020), as subsequently continued, which suspended immigrant visa issuance until December 31, 2020 (with several exceptions, including for spouses and minor children of United States citizens (USCs) and legal permanent residents (LPRs), parents of USCs and LPR minors, EB-5 applicants with approved petitions, and others)
- [Proclamation 10041](#) (May 24, 2020, amended May 25, 2020 in [Proclamation 10042](#)), which suspended travel to the U.S. from Brazil by anyone who has been in the country within the 14 days preceding entry or attempted entry

into the United States.

- [Proclamation 10043](#) (May 29, 2020), which suspended nonimmigrant entries into the U.S. by any national of the People's Republic of China seeking to enter the United States pursuant to an F or J visa to study or conduct research in the United States, except for a student seeking to pursue undergraduate study, and who either receives funding from or who currently is employed by, studies at, or conducts research at or on behalf of, or has been employed by, studied at, or conducted research at or on behalf of, an entity in the PRC that implements or supports the PRC's "military-civil fusion strategy."
- [Proclamation 10052](#) (June 22, 2020), which suspended nonimmigrant visa issuance to H-1B, H-2B, L-1 and most J-1 applicants, as well as their dependents.

E Visa Update

Members of the American Immigration Lawyers Association have been sharing information over the past week regarding the opening of diplomatic posts around the world, including the availability of certain E visa appointments. Individuals with submitted Department of State forms DS-160 who are awaiting system availability for E visa interviews—not including new E visa applicants, who are required to wait for Department of State notification before scheduling their interviews—should check the visa appointment scheduling website for their desired country to see whether visa appointments are available, and continue checking at least daily over the coming weeks. Please be aware that should there be a spike in COVID-19 cases in any given location, it is possible that the Department of State could cancel scheduled appointments in the future—but all signs point to the Department of State making a concerted effort to resume regular services if and when reasonable in the near future.

USCIS Furloughs

U.S. Citizenship and Immigration Services recently sent furlough notices to approximately 13,400—or more than 70%—of its employees. Without additional government funding, these furloughs are expected to go into effect on August 3rd and last up to 90 days. This would create a massive logjam of U.S. immigration cases, dwindling processes reviewed by the agency to a trickle in an environment already riddled with months- or years-long processing delays. While USCIS is funded by user fees (unlike most federal agencies), there is a severe funding shortfall—rumored to be largely created by mismanagement of funds and changes to internal policies that have stymied efficient processing over the past several years, despite USCIS's claim that the funding shortfall has been caused by issues arising out of the coronavirus outbreak. As a result, the agency has requested a \$1.2 billion bailout by the federal government.

Following an initial dramatic (and brief) improvement in the pace of approvals near the beginning of the COVID-19 pandemic—presumably resulting from the freeing-up of resources due to a sudden drop in petition and application submissions to the agency—the immigration community has seen a marked slow-down in petition and application processing over the last few months, with few exceptions. Green card applications appear to have ground to an effective halt for the time being, with Presidential Proclamation 10014 pausing issuance of immigrant visas outside the U.S. through at least the end of the year. If furloughs occur, this will likely also deeply impact timelines for processing of adjustment of status applications, for those already in the U.S. seeking to adjust their status to permanent resident (obtain Green Cards from within the U.S.).

Evolving Situation

Government immigration actions are likely to continue to be fluid depending on the evolution of the COVID-19 pandemic throughout the remainder of 2020 and into 2021. We also anticipate that U.S. unemployment numbers resulting from the COVID-19 pandemic and its impact on businesses will continue to drive the “America First” approach to policymaking and influence regulatory changes to immigration in the U.S.

President Trump also recently indicated that he plans to focus on moving the U.S. toward a merit-based immigration system, rather than continuing with a system driven by family reunification and employment-based migration. While this is not a new goal, the path to getting a merit-based system in place may be or become unconventional, in light of the more liberal use of executive orders to further the goals and priorities of members of the government’s executive branch across recent presidential administrations.

Please contact your LMWF immigration team with any questions regarding this post or other changes impacting U.S. immigration.

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