

# Frequently Asked Questions About Immigration Amid COVID-19

**Information in this document pertains to the following topics.  
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## **COMMUNITY RESOURCES SPECIFIC TO IMMIGRANT NEEDS**

**Q. Are there resources available to individuals or their families who do NOT have immigration documentation?**

**A. YES**, the below listed resources are available to all immigrants regardless of documentation status.

### **Meal Assistance**

All individuals in need are encouraged to contact the below resources for assistance regardless of documentation status. Residency-status and immigration information is NOT required when applying for assistance.

#### **Dutchess County**

Dutchess County has implemented *Dutchess Responds*, which connects residents in need of food and other necessities. Food is available at regional food pantries and for home delivery to those without transportation/access to distribution centers. To access the Dutchess Responds Food Connection, use the following link: [Dutchess Responds](#) OR call (845) 486-3555.

#### **Ulster County**

Project Resilience will offer Phase 2 assistance to those who are homebound with limited supports, not eligible for other government assistance and not able to connect to any of the programs listed here. Please contact the **Ulster County COVID hotline at (845) 443-8888** for more information.

- **Grocery Boxes:** Grocery boxes may be available for weekly pickup or delivery starting on Monday May 18<sup>th</sup>, depending on your location. Please call the COVID hotline to determine eligibility.
- **Prepared meals:** Distribution of prepared meals will continue to be available in a limited capacity to residents that meet the eligibility standard in participating municipalities. Please call the COVID hotline for more information and to determine eligibility.

**People's Place** - Call (845) 338-4030 or visit the People's Place Facebook page.

Monday-Friday:

- The Community Cafe will be offering take out continental breakfast and sandwiches for lunch from 8:30 AM to 1:00PM
- The Food Pantry will operate in a modified version at regular hours Monday-Friday from 10:00AM-1:00PM and Wednesday evenings from 5:30PM-7:30PM
- The Bag Student Hunger Program that offers breakfast, lunch and snack items for school age children will begin on Monday, March 16th and run until school resumes Monday-Friday from 10:00AM-1:00PM and Wednesday evenings from 5:30PM-7:30PM

**Ulster County Community Action** - Call (845) 338-8750 / Visit 70 Lindsley Ave. Kingston, NY

- Monday-Friday from 8:00AM-4:00PM

**Family of Woodstock** - Call (845) 679-2485 / Visit 26 Mill Hill Rd. Woodstock, NY

- Meal delivery days vary. Available by phone 7 days a week from 9:30AM-9:30PM

**Kingston Emergency Food Collaborative - (888) 316-0879**

- Providing prepared, microwave-ready meals for pick-up and delivery on weekdays for lunch and dinner.

**Paying Rent**

The statewide eviction moratorium, enacted by Governor Cuomo, applies to everyone, individuals and their families, without regard to immigration documentation. This means that you cannot be legally evicted from your home until at least June 20<sup>th</sup>. However, rent payments have not been cancelled; therefore the amounts unpaid during the pandemic will still be owed once the moratorium is lifted.

**Q: I am unable to pay my rent and I'm having trouble with my landlord, is there any resource available to help?**

A: Ulster County COVID-19 Tenants Protection Unit has established a platform to submit concerns and receive assistance. To contact the Ulster County COVID-19 Tenants Protection Unit, call 845-303-5503 or fill out the form by clicking [here](#).

Dutchess County residents are encouraged to contact the Dutchess Community Based Services for assistance, call 845-454-5176.

**Seeking Medical Treatment**

**Q. I am seeking to change my immigration status, I am told that it would be negatively affected by being declared a “public charge”. Will receiving care, treatment or testing for COVID-19 affect my “public charge” status?**

A. NO, seeking and receiving care, treatment or testing for COVID-19 will **NOT** make you a *public charge* or hurt your ability to apply for a green card. Receiving charity or discounted medical care will also **NOT** hurt your ability to apply for a green card. **Please see additional important information related to “public charge” status in a future section of this document.**

**Q. Is the office of Immigration and Customs Enforcement (ICE) making arrests at hospitals or community health centers?**

A. NO, ICE does not conduct enforcement operations at medical facilities, except under extraordinary circumstances. Claims to the contrary are false and create unnecessary fear within communities.

**Q. Can I seek treatment or testing for COVID-19 if I am an immigrant without documentation?**

A. YES, anyone who is low-income can get **free** COVID-19 testing, evaluation and treatment in New York State, regardless of immigration status and if a person or family has health insurance, under an executive order by Governor Cuomo, testing and treatment must be provided at no cost to that person or family. We recommend you call the health facility in advance for more information on their testing procedure and consult with your health insurer, if any.

**Q. As an immigrant without documentation, am I eligible for health insurance coverage?**

A. YES, Emergency Medicaid is available to individuals who are otherwise eligible for Medicaid, except for their immigration status.

**Q. I am a documented immigrant but ineligible for Medicaid, do I qualify for another type of health insurance coverage?**

**A. YES,** Some lawfully present individuals that are ineligible for Medicaid based on immigration status (such as some people with temporary protected status (TPS), Deferred Action for Childhood Arrivals (DACA) or people with lawful permanent resident status who have had that status for less than five years) can also apply for Emergency Medicaid.

**NOTE:** Pregnant women may be eligible for Medicaid and all children are eligible for Child Health Plus, without regard to immigration status. For further information or to sign up online, visit [nystateofhealth.ny.gov](http://nystateofhealth.ny.gov) or call 1-855-355-5777.

**Free or Low-Cost Health Care Facilities Providing Services to All, Including All Immigrants Without Regard to Documentation**

**NOTE:** These facilities can provide primary care services, including issuance of referrals necessary to receive Covid-19 testing. Insurance is not required to seek care.

- **KINGSTON FAMILY HEALTH CENTER** - Kingston, NY, 12401 (845) 338-6400
- **PINE GROVE HEALTH CENTER** - Kingston, NY, 12401 (845) 339-4733
- **FAMILY HEALTH CENTER OF PORT EWEN** - Kingston, NY, 12401 (845) 331-2355
- **RHINEBECK HEALTH CENTER** - Rhinebeck, NY, 12572 (845) 516-1002
- **FAMILY PRACTICE CENTER OF HYDE PARK** - Hyde Park, NY, 12538 (845) 229-1020
- **NEW PALTZ FAMILY HEALTH CENTER** - New Paltz, NY, 12561 (845) 255-2930
- **HUDSON RIVER HEALTHCARE NEW PALTZ** - New Paltz, NY, 12561 (845) 255-1760
- **HRHCARE POUGHKEEPSIE WASHINGTON STREET** - Poughkeepsie, NY, 12601 (845) 790-7990
- **DUTCHESS COMMUNITY HEALTH CENTERS** - Poughkeepsie, NY, 12603 (845) 486-3400

**Mobile Testing Units Established in Ulster and Dutchess Counties:**

**Kingston – Tech City**

Hours: Monday – Saturday | 8:30AM – 3:30PM

Address: 300 Enterprise Dr. Kingston, NY 12401

To contact the Kingston facility regarding a COVID-19 test, please call (845) 443-8888.

**Kingston – Midtown \*No Prior Doctor’s Order Needed\***

Hours: Monday – Friday | 9:00AM – 12:00PM

Address: 27 Grand St. Kingston, NY 12401

Call Westchester Medical Center’s hotline number for a telephone screening at (845) 303-2730. If criteria are met, an appointment will be scheduled during the same call.

**Kingston – Rite Aid \*No Prior Doctor’s Order Needed\***

Hours: 7 Days a week | 8:00AM – 10:00PM

Address: 351 Flatbush Avenue Kingston, NY 12401

To schedule an appointment, visit [www.riteaid.com](http://www.riteaid.com) or call (845) 340-0664.

Rite Aid is providing a Baseline COVID-19 Program to provide screening, scheduling and return of results to individuals over 18. Individuals WITHOUT symptoms are also eligible for testing.

**Ellenville**

Hours: Monday – Friday | 9:00AM – 2:00PM

Address: 10 Healthy Way, Ellenville, NY 12428

To contact Ellenville Hospital regarding a COVID-19 test, please call (845) 647-6400 x269.

**Fishkill**

Hours: Monday – Saturday | 8:30AM – 3:30PM

Address: Intermodal Center at Dutchess Stadium, 1500 NY-9D, Wappingers Falls, NY 12590

To contact the Fishkill facility regarding a COVID-19 test, please call their COVID-19

**Poughkeepsie**

Hours: Monday – Friday | 8:30AM-6:00PM Saturday | 9:00AM-5:00PM & Sunday by Appointment Only

Address: 241 North Road Poughkeepsie, NY 12601

To contact the MidHudson Regional Hospital regarding a COVID-19 test, please call (845) 303-2727 to be screened and, if appropriate, an appointment will be scheduled.

**Poughkeepsie**

Hours: Monday – Friday | 9:00AM-5:00PM

Address: 696 Dutchess Turnpike Poughkeepsie, NY 12603

To contact Poughkeepsie Urgent Care regarding a COVID-19 test, please call (845) 686-9700

**Poughkeepsie – Rite Aid \*No Prior Doctor’s Order Needed\***

Hours: 7 Days a week | 8:00AM – 10:00PM

Address: 709 Main St. Poughkeepsie, NY 12601

To schedule an appointment, visit [www.riteaid.com](http://www.riteaid.com) or call (845) 471-1190.

Rite Aid is providing a Baseline COVID-19 Program to provide screening, scheduling and return of results to individuals over 18. Individuals WITHOUT symptoms are also eligible for testing.

**ESSENTIAL WORKER IMMIGRANT RESOURCES**

**Workplace Protections During Public Health Crisis**

**Q. Do health and safety laws protect immigrant workers during this public health crisis?**

A. YES, Health and safety laws protect all workers, regardless of immigration status. The federal Occupational Safety and Health Act (OSHA) gives all workers the right to safe and healthful working conditions. Employers have a duty to ensure that workplaces are free of known hazards that could harm their employees.

**Q. How does a worker file a complaint with the Occupational Health and Safety Administration (OSHA)?**

A. You can file a complaint online through the [OSHA online complaint form](#), by calling the hotline at 1-800-321-6742 (OSHA) or contacting the Albany Area office, which covers Ulster and Dutchess counties, at (518) 464-4338.

**Q. Will an OSHA inspector ask about a worker’s immigration status if she files a complaint?**

**A.** The investigator should not ask. Even if the investigator does ask about immigration status, workers are under no obligation to answer an OSHA inspector's questions about immigration status.

**Q. Can a worker file an OSHA complaint in a language other than English?**

**A.** YES, a worker's lack of English skills does not mean they cannot participate in the OSHA complaint and inspection process. Online complaint forms are available in Spanish [here](#). You may request other language options by calling.

**Q. What rights do immigrant workers have if an employer retaliates against them for enforcing their health and safety rights?**

**A.** Regardless of their immigration status, retaliation against a worker for exercising these rights is prohibited. Details on the specific time requirements and processes depending on your type of employment for filing a complaint can be found [here](#).

### **Paid and Unpaid Time Off from Work**

**Q. Can immigrant workers take sick leave or family leave from work due to COVID-19?**

**A.** It depends. In response to the COVID-19 public health crisis, Congress passed the Families First Coronavirus Response Act (FFCRA). The law requires certain employers to provide their employees with up to 10 days of paid sick leave and up to 12 weeks of emergency paid family leave for reasons related to the COVID-19 public health crisis.

There are no immigration status-related restrictions on eligibility for paid sick leave or paid family and medical leave; eligible employees are entitled to both types of leave, regardless of their immigration status.

### **Unemployment Insurance**

**Q. Can immigrant workers receive unemployment insurance?**

**A.** It depends. To receive regular unemployment insurance benefits, immigrants must be authorized to work at the time they file for benefits and during the entire period they are receiving benefits. Anyone with a valid work permit who was work-authorized should be eligible to receive regular unemployment insurance.

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law. The bill includes significant enhancements to unemployment insurance and provides assistance for some independent contractors and "gig" workers. The U.S. Department of Labor (USDOL) has not clarified the immigrant eligibility criteria that will apply to the new programs created by the CARES Act.

**Q. Are unemployment benefits counted in the "public charge" test?**

**A.** NO, unemployment insurance is an earned benefit, not a public benefit.

**Q. For workers being hired during the COVID-19 crisis, are there any changes to the employment verification process?**

**A.** YES, the Department of Homeland Security (DHS) is temporarily allowing employers to remotely review Form I-9s completed by workers at the time of hire. Additionally, DHS is extending the timeframe for employees to challenge Tentative Non-Confirmations (TNCs) they experience as part of the verification process.

## Childcare

### **Q. School is closed and I am an essential worker. Where can I get help finding childcare?**

**A.** Assistance is available through your area Childcare Councils listed below.

#### **Ulster County**

Parents and guardians in Ulster County should contact the Family of Woodstock's Child Care Resources and Referral (CCRA) offices at (845) 331-7080 available Monday-Friday 8:00AM-5:00PM.

#### **Dutchess County**

Parents and guardians in Dutchess County can reach the Childcare Council of Dutchess and Putnam by calling (845) 473-4141 or by email at [jwagner@childcaredutchess.org](mailto:jwagner@childcaredutchess.org).

## **PUBLIC CHARGE INFORMATION**

### **Q. What is the “*public charge*” test and why does it matter?**

**A.** The “*public charge*” test is a rule used to determine eligibility of immigrants seeking to obtain a visa and enter the United States. The rule states that any immigrant who is “unable to take care of himself or herself without becoming a public charge” may be denied entry to the United States as follows:

- Legal immigrants who have received public benefits for more than a total of twelve months within any 36-month period may be classified as a “*public charge*” and deemed ineligible for permanent residency; and
- This rule was updated in 2019 to include immigrants already in the United States wishing to obtain a Green Card.

### **Q. Who is subject to the “public charge” test?**

**A.** The “public charge” test mostly impacts those who are being sponsored by a legal status family member petition. Those who are immigrating from outside the United States, those who reside here already but entered without a visa or into the United States other than through an immigration checkpoint may be subject to the “public charge” test. Additional resources related to understanding the impact of this test can be found here:

[What the Community Needs to Know](#).

### **Q. Are there any exceptions to this “public charge” rule?**

**A.** YES, U-visa holders, T-visa holders, refugees, asylum seekers, pregnant women, children and family members of those serving in the Armed Forces as well as those granted other forms of relief through individual court actions are excluded from the restrictions. Public charge laws do not apply in the naturalization process, through which lawful permanent residents apply to become U.S. citizens. As a green card holder you are not subject when you renew your green card, however if you leave the country for 180 consecutive days or more on one trip, you could be subject to such a test upon your return. It is important for green card holders to speak to a trusted immigration attorney or accredited representative before leaving the United States for more than 180 days. Additional resources for understanding if you would be subject can be found here: [Public Charge Factsheet](#).

### **Q. Are all public services, programs or benefits considered public benefits under the “public charge” test?**

**A.** NO, the following services and programs are **NOT** considered public benefits, even for immigrants who are subject to the public charge test:

- Many types of food assistance, such as The Special Supplemental Nutrition Program for Women, Infants and Children, food pantries, soup kitchens or homeless shelters;
- School meals and other food assistance programs for children, including the Summer Food Service Program (SFSP) and the Child and Adult Care Food Program (CACFP) afterschool snacks and dinners;
- Unemployment benefits;
- Energy assistance, including the Home Energy Assistance Program and weatherization projects;
- Student and mortgage loans and
- Healthcare services and most health insurance, except non-emergency Medicaid.

## **PUBLIC BENEFITS & THE CARES ACT STIMULUS CHECK**

### **Q. As an immigrant without documentation, am I eligible for Federal and State assistance?**

**A.** NO, Federal relief and many of the state programs that rely on Federal dollars specifically exclude people without documentation and their families. You may **not** receive cash assistance such as Temporary Assistance for Needy Families (TANF) or State unemployment insurance benefits, including The Coronavirus Aid, Relief and Economic Security (CARES) Act stimulus check.

### **Q. As a documented immigrant, am I eligible for Federal and State assistance?**

**A.** It depends. Documented Legal Permanent Residents (LPRs) are eligible for both state and federal assistance under certain circumstances.

#### **Federal Assistance:**

- LPRs become eligible for federal assistance including Medicaid, Medicare, Public/“Section 8” Housing, the Children’s Health Insurance Program (CHIP), TANF, SNAP and SSI after they have resided as a legal U.S. resident for five years. However, under some federal benefit programs, this requirement can be bypassed when the recipient has worked 40 quarters under a visa. Temporary visa holders are ineligible for federal benefits.
- Eligibility for the CARES Act stimulus check applies only to immigrants with Social Security Numbers. The legislation’s guidelines exclude the remainder of the country’s immigrant population from receiving the one-time payments.

#### **New York State Assistance:**

- All legally documented immigrants, including temporary visa holders, are eligible for two public benefit programs in New York State (Family Assistance and Safety Net Assistance) if they meet the following criteria: (1) Receives no income or is low income determined based on family size and county of residence; and (2) Either pregnant or responsible for a child under 18 years of age.
- Parents and other adult relatives receiving these benefits and who are determined to be able to work must comply with Federal work requirements.

To apply for Family Assistance or Safety Net Assistance, contact your local Department of Social Services:

Ulster County Department of Social Services	(845) 334-5000
Dutchess County Department of Social Services	(845) 486-3190

### **Q. I am a U.S. citizen married to an immigrant; will I receive a stimulus check?**

**A.** YES, if you are an immigrant with a social security number married to a U.S. citizen and filed joint tax returns, then you are eligible for a check. Additionally, spouses who are U.S. citizens and filed single tax returns,

regardless of the partner's immigration status, qualify for the payments. However, if you file your taxes jointly with a spouse who does **not** have a Social Security Number, you will not receive a stimulus check. This rule does not apply if one spouse is a member of the Armed Forces. Children claimed as dependents for the \$500 rebate must have valid SSNs.

**Q: I am eligible for a federal stimulus payment but have not yet received it. What should I do?**

**A.** There are two different application forms for those applying for their federal stimulus payment; one for individuals who file annual federal taxes and one for individuals who are NOT required to file. A description of non-filers can be found below.

Regardless of whether you file taxes annually, the following link will direct you to the application portal for both filers and non-filers: <https://www.irs.gov/coronavirus/economic-impact-payments>

You are not required to file federal income tax returns for 2018 and 2019 for any reason including:

- Your income is less than \$12,200
- You're married filing jointly and together your income is less than \$24,400
- You have no income

**Q. Are stimulus payments counted in the “public charge” test?**

**A.** NO, the stimulus payment is a tax credit and the public charge regulation is clear that tax credits are **NOT** taken into account for the purposes of a public charge determination.

## **CITIZENSHIP AND IMMIGRATION SERVICES**

**THE RESOURCES IN THIS SECTION ARE INTENDED FOR USE BY INDIVIDUALS WHO POSSESS ALL PROPER IMMIGRATION DOCUMENTATION. CAUTION, WE DO NOT SUGGEST YOU CONTACT THESE OFFICES IF THERE IS ANY DOUBT AS TO THE COMPLETE LEGALITY OF YOUR PRESENCE IN THE UNITED STATES.**

### **Albany Field Office Contact Information for U.S. Citizenship and Immigration Services**

Phone: (800) 375-5283

[USCIS Online Contact Center](#)

**Q. What if I require assistance from the U.S. Citizenship and Immigration Services (USCIS) for help with my immigration status?**

**A.** Due to the outbreak of COVID-19, USCIS temporarily suspended routine in-person services. USCIS plans to begin reopening offices on June 4th unless the public closures are extended further.

However, USCIS will provide emergency services for limited situations. To schedule an emergency appointment, contact the USCIS Contact Center here: <https://www.uscis.gov/contactcenter>

**Q. What if I already had an appointment scheduled?**

**A.** Applicants and petitioners with scheduled appointments will receive a notice from the field office with instructions on how to proceed. All asylum appointments will be automatically rescheduled. Applicants will receive a new notice with the time, date and location for the interview. Individuals with Infopass or other

appointments at the field office must reschedule through the USCIS Contact Center after field offices reopen to the public, tentatively scheduled for June 4<sup>th</sup>.

Naturalization Ceremonies will automatically be rescheduled and you will receive a notice by mail within 90 days. If you do not receive your notice then reach out to the USCIS Contact Center or your local County Clerk's office.

**Q. Can I extend my visa or change my status due to COVID-19?**

**A. YES**, most non-immigrants can mitigate the immigration consequences of COVID-19 by filing an application for extension of stay or change of status in a timely manner. The petitioner or applicant must submit credible evidence to support their request, which USCIS will evaluate in its discretion on a case-by-case basis. USCIS continues to accept and process applications and petitions, many of which are available for online filing.

The application to extend/change status can be found here: <https://www.uscis.gov/i-539>

**Q. What does *timely manner* entail?**

**A.** Applications filed before your current visa period ends will generally not accrue "unlawful presence." Where applicable, employment authorization with the same employer - subject to the same terms and conditions of the prior approval - is automatically extended for up to 240 days after I-94 expiration when an extension of stay request is filed on time. Some flexibility for late applications may be granted if the delay was due to extraordinary circumstances beyond their control, such as those caused by COVID-19. The delay must be commensurate with the circumstances.

**Q. What special situations apply to extensions and changes of status?**

**A.** Natural catastrophes and other extreme situations, such as COVID-19, can sometimes affect the processing of your USCIS application, petition or immigration requests. When applying for an extension or change of status due to a special situation that prevented your planned and timely departure, USCIS may take into consideration how the special situation prevented your departure. If you do not apply for an extension or change of status before your authorized period of admission expires, USCIS may excuse the delay if it was due to extraordinary circumstances beyond your control.

**Q. Can those in the U.S. under the Visa Waiver Program extend their stay or change their status?**

**A. NO, BUT THERE ARE LIMITED EXCEPTIONS**, Visa Waiver Program (VWP) entrants are not eligible to extend their stay or change their status. However, under current regulations, if an emergency (such as COVID-19) prevents the departure of a VWP entrant, USCIS in its discretion may grant up to 30 days to allow for satisfactory departure. USCIS has the authority to temporarily provide an additional 30-day period of satisfactory departure to VWP entrants who were already granted satisfactory departure and are/were unable to depart within this 30-day period because of COVID-19 related issues. To request satisfactory departure from USCIS, a VWP entrant should call the USCIS Contact Center.

**Q. Can I file a notice of appeal or motion?**

**A. YES**, USCIS will consider certain appeal Forms I-290B it receives up to 60 calendar days from the decision date before it takes any action. Discretion will be used for appealable decisions with Administrative Appeals Office (AAO) jurisdiction issued and dated between March 1 and May 1, 2020, inclusive.

**Q. Has the U.S. Immigration and Customs Enforcement (ICE) modified its enforcement efforts during COVID-19?**

A. YES, U.S. Immigration and Customs Enforcement (ICE) have temporarily adjusted its enforcement posture beginning March 18, 2020.

ICE Enforcement and Removal Operations (ERO) indicated that it will focus enforcement on public-safety risks and individuals subject to mandatory detention based on criminal grounds.

**Q. Has ICE suspended in-person reporting requirements for Alternatives to Detention (ATD) participants?**

A. ICE has temporarily suspended the requirement for ATD participants to report in-person for office visits and home visits have been temporarily suspended as well. In the interim, ICE will continue to leverage telephonic and electronic reporting between participants and case specialists. ICE will maintain this posture until either the stay-at-home order is lifted or ICE, in consultation with the Centers for Disease Control and Prevention, determines that the risk to resume face-to-face contact has been mitigated.

**Q. I have a scheduled ICE check-in and tried calling my local field office but no one answered. What should I do?**

A. You can contact the Albany Field Office for U.S. Citizenship and Immigration Services by phone at (800) 375-5283 or visit the [USCIS Online Contact Center](#) and they will assist you in rescheduling.

**CHANGES TO H-2A VISA REQUIREMENTS FOR TEMPORARY AGRICULTURE WORKERS**

**Q. What has changed?**

A. The Department of Homeland Security has decided to temporarily amend the regulations regarding temporary and seasonal agricultural workers and their U.S. employers within the H-2A visa classification.

Under this temporary final rule, all H-2A petitioners with a valid temporary labor certification (TLC) can now start employing certain foreign workers who are currently in the United States and in valid H-2A status immediately after USCIS receives the H-2A petition, but no earlier than the start date of employment listed on the petition.

**CHANGES TO H-1B VISA REQUIREMENTS FOR SPECIALTY OCCUPATIONS, DOD COOPERATIVE RESEARCH AND DEVELOPMENT PROJECT WORKERS AND FASHION MODELS**

**Q. What has changed?**

A. USCIS has announced that as of March 20, 2020, a temporary suspension of H-1B visa petitions has gone into effect. Form I-129, Petition for a Non-immigrant Worker, will no longer be accepted for consideration due to the ongoing COVID-19 pandemic.

**Q. I hold an H-1B visa but have lost my job due to COVID-19 pandemic. What should I do now?**

**A.** You may remain in the U.S. in valid status for 60 days, or until the I-94 expiration date, whichever occurs first. There has been no change to this rule. However, H-1B visa holders may apply for a B-2 visitor visa which would allow them to remain in the U.S. temporarily. The standard requirements to qualify for B-2 still apply, without regard to the ongoing pandemic.

Alternatively, should you find an employer willing to sponsor you for H-1B status that employer can file an I-129 petition on your behalf within the 60-day grace period. When applying for another grant of H-1B status, you will need to submit to USCIS evidence that you were (1) maintaining your previous H-1B status and (2) actively trying to get back into status during the 60-day maximum grace period. This evidence includes copies of your pay stubs and correspondence or other documentation showing your job search efforts.

## **CHANGES TO THE ISSUANCE OF GREEN CARDS**

### **Q. What has changed?**

**A.** President Trump has announced that the issuance of new green cards will be suspended by Executive Order for sixty days as of April 24, 2020. There are some exceptions that are described below.

### **Q. Who is affected?**

**A.** The current Executive Order temporarily prohibits people outside the U.S. from obtaining green cards. It also temporarily bars green card holders from sponsoring a spouse or child for permanent residency. In addition, it also stops individuals from receiving green cards to enter the U.S. through other means, such as employment or the EB-1 "extraordinary ability" category.

### **Q. Who is exempt?**

**A.** Spouses and children under 21 of American citizens can still get green cards. Medical professionals, defined as "a physician, nurse or other healthcare professional" working to combat COVID-19, are exempt and may bring their spouses and unmarried children under 21. People applying for a green card through the EB-5 program, which requires an investment of at least \$900,000 that is expected to create jobs, are exempt from the ban too. Members of the U.S. military are also excluded from the prohibition. The Order similarly exempts people "whose entry would be in the national interest," as determined by officials like the Secretary of State or Secretary of Homeland Security.

### **Q. Do these changes affect my temporary visa?**

**A.** NO, the Order does not prevent people from getting non-immigrant visas that are granted on a temporary basis. Additionally, the order does not void any existing visa.

### **Q. Do these changes affect people already in the U.S.?**

**A.** NO, those in the U.S. lawfully on visas are not prevented from applying for green cards through the regular channels.