

**DIVISION OF INTERNATIONAL SERVICES (DIS)
FDA LISTSERV ALERTS - 2020-2021**

TABLE OF CONTENTS

Directions: Click on *italicized article headline*; headlines hyperlink to article content.

June 17, 2021

Updated NIE Guidance for International Travelers

New Deadlines to Renew Your Driver's License

June 08, 2021

DIS Guidance on International Travel

Changes in Biometrics Requirements

Notify DIS – Employee Termination, Resignation, and/or Never Joins

Issuance of Original Immigration Documents

May 3, 2021

India Subject to Travel Restrictions to the U.S.

DOS Updates Policy on National Interest Exception (NIE) for Regional Travel Restrictions

U.S. Embassy in Russia to Cease Nonimmigrant Visa Services Effective 05/12/2021

April 15, 2021

H-1B Travel Restrictions Expire, Additional Travel Restrictions and Delays Remain

March 31, 2021

South Africa Added to U.S. Travel Restrictions List

Travel Bans Replaced with New Executive Order

Scientists Should Apply for EAD Extensions Early

Reminder on Continued Travel Restrictions

DHS Public Charge Rule Invalidated

Department of State April Visa Bulletin

Inform DIS of Lawful Permanent Resident (LPR) Status

March 18, 2021

USCIS Receipt Notice Delays

January 19, 2021

CDC-Issued COVID Testing Requirement

December 14, 2020

Holiday Travel Considerations

Expiration of Visa is NOT Expiration of Immigration Status

Signature Requirements on Form 829-1

Communicate Employment Details with Candidate Prior to Case Submission

October 20, 2020

Premium Processing Fee Increase

October 9, 2020

Federal District Court Blocks Enforcement of DHS Rule

Congress Passes Legislation that Allows Increase, Expansion of Premium Processing

Diversity Visa Lottery Program Now Open

Available Numbers to Adjust to U.S. Permanent Resident Have Positively Advanced

September 28, 2020

USCIS Reminds F-1 Status Holders in Post-Completion OPT and their DSOs to Enter Employer Information in SEVIS

Importance of Timely Onboarding for Foreign Scientists

Report Changes in Work Location to DIS

New Form I-765 for Employment Authorization and Fee Increase

September 8, 2020

USCIS Fee Updates and Premium Processing Times

June 23, 2020

Presidential Proclamation

June 19, 2020

FDA COVID-19 Resources Web Page

Updated H-1B Employer Letter Template

Ensure Approved and Accurate Salary Before Case Submission to DIS

Check I-94 Upon Reentry to U.S. Every Time You Travel

Report Home Address Changes to both DIS and USCIS

Participating in Protests

June 2, 2020

USCIS to Resume Premium Processing Service

May 27, 2020

New Presidential Proclamation on Travel Restrictions (Brazil)

April 24, 2020

Presidential Proclamation, DIS Processing, Governmental Resources

March 23, 2020

U.S. Citizenship & Immigration Services (USCIS) Suspends Premium Processing Service

U.S. Department of State Suspends Routine Visa Services

March 16, 2020

Update: Electronic Case Submission to DIS Required Effective Today

March 13, 2020

Electronic Case Submission

Notification to DIS of New Telework Schedules for Foreign National Employees

June 17, 2021

Date: June 17, 2021

To: DA-DIS_LIAISONNEWS

Subject: Immigration Update – 06.08.2021

Updated NIE Guidance for International Travelers

DIS continues to discourage international travel. If a visiting scientist plans to travel internationally, please direct them to the “Travel Guidance” section of our [COVID-19 Information for FDA](#) page.

U.S. travel restrictions remain in place to slow the spread of COVID-19. The U.S. Department of State recently issued updated guidance on [COVID-19 Travel Restrictions and Exceptions](#). Visiting scientists affected by the travel restrictions should consult the website of the nearest embassy or consulate for instructions on how to apply for a National Interest Exception (NIE).

Additional information for FDA visiting scientists and administrative staff can be found on the [DIS Homepage for FDA](#). These resources will be updated as new developments arise.

New Deadlines to Renew Your Driver’s License

DIS provides general guidance on Obtaining a Driver’s License. Many states changed their driver license processes and extended license expiration dates due to COVID-19. However, those flexibilities will soon end. You must renew your driver license if it is expired or will soon expire:

DC - Effective September 09, 2021, residents must have a valid driver license. To renew your license, refer to the [DC Department of Motor Vehicles \(DMV\) website](#).

Maryland – Effective August 15, 2021, residents must have a valid driver license. To renew your license, refer to the [MD Motor Vehicle Administration \(MVA\) website](#).

Virginia – You should have a valid driver license. To renew your license, refer to the [VA DMV website](#).

June 08, 2021

Date: June 08, 2021

To: List DISFDA

Subject: Immigration Update – 06.08.2021

DIS Guidance on International Travel

DIS continues to discourage international travel. If a visiting scientist plans to travel internationally, please direct them to the “Travel Guidance” section of our [COVID-19 Information for FDA](#) page.

U.S. travel restrictions remain in place to slow the spread of COVID-19. The U.S. Department of State recently issued updated guidance on [COVID-19 Travel Restrictions and Exceptions](#). Visiting scientists affected by the travel restrictions should consult the website of the nearest embassy or consulate for instructions on how to apply for a National Interest Exception (NIE).

Additional information for FDA visiting scientists and administrative staff can be found on the [DIS Homepage for FDA](#). These resources will be updated as new developments arise.

Changes in Biometrics Requirements

Effective May 17, 2021, U.S. Citizenship and Immigration Services (USCIS) temporarily suspended the biometrics requirement for applicants filing Form I-539 (request for extension of stay or change of status) for **H-4, L-2, and E nonimmigrant status**. These applicants are no longer required to submit the \$85 biometric services fee for Form I-539 during the suspension period. Applicants who have already received a biometric services appointment notice should still attend their scheduled appointment.

USCIS may still require biometrics on a case-by-case basis in its discretion. Additional information about the [temporary suspension of the biometrics requirement](#) for certain applicants can be found on the USCIS website. DIS will communicate any updates to this process as they develop.

USCIS also [recently announced](#) they will allow applicants to reschedule their biometric services appointment via phone with USCIS Contact Center (800-375-5283). Previously, applicants had to submit requests in writing to reschedule an appointment.

Notify DIS – Employee Termination, Resignation, and/or Never Joins

H-1B employers are required to notify USCIS immediately of material changes in the terms and conditions of employment of an employee in H-1B status. This notification requirement also applies if the employee is terminated, resigns, or declines an offer of employment/fails to onboard after a petition has already been filed with USCIS.

To assist DIS with immigration reporting requirements, please send DIS a [Form 829-5](#) whenever an employee leaves FDA employment or declines an offer of employment after DIS has filed a petition with USCIS.

If an employer fails to fulfill these obligations, they may be found liable by the Department of Labor (DOL) for back wages through the date on which the employee's H-1B approval expires. Employers should carefully maintain records of an H-1B employee's departure, termination, or failure to join and immediately notify USCIS to avoid such repercussions.

Issuance of Original Immigration Documents

Some immigration statuses, like H-1B and O-1, require U.S. Citizenship and Immigration Services (USCIS) approval of a petition filed by DIS on the visiting scientist's behalf. USCIS sends original I-797 Approval Notice documents to the DIS office for these petitions. The notices are not sent directly to the employee.

DIS will retain the original approval notice in our office until there is an FDA Key Contact available to receive these documents via FedEx at an FDA office location. We cannot ship these documents directly to the scientist at his or her home address. If you have an urgent need for the original approval notice, the Key Contact must provide DIS with a contact name and FDA address where the document can be shipped.

May 3, 2021

Date: May 3, 2021

To: List DISFDA, FDA-DIS_LIAISONNEWS

Subject: Immigration Update – 05.03.2021

India Subject to Travel Restrictions to the U.S.

Effective May 4, 2021, India is now subject to COVID-19 travel restrictions to the U.S. per [Executive Order](#). The restrictions apply to nonimmigrants who were physically present in India within the 14-day period preceding entry to the U.S. The restrictions do not apply to certain categories of people, including U.S. Lawful Permanent Residents (LPRs, or "green card holders") and some family members of U.S. citizens or LPRs. See the CDC website for a [complete list of countries with travel restrictions](#).

Additionally, U.S. Embassies and Consulate in India are currently offering very limited services. FDA foreign national trainees and employees – and their dependent family members – in India will likely experience delayed arrival to the U.S. Review the [U.S. Embassy website](#) for additional information, including guidance on requesting an expedited appointment. Detailed guidance on applying for a National Interest Exception to the travel restriction from India is available on the [Frequently Asked Questions](#) portion of the Embassy website. Review our [Travel Guidance](#) and contact DIS with issues.

DOS Updates Policy on National Interest Exception (NIE) for Regional Travel Restrictions

On April 26, 2021, the [Department of State \(DOS\)](#) expanded countries eligible for a [National Interest Exception \(NIE\)](#) to regional travel restrictions. Under this guidance, NIEs may now be considered for travelers from China, Iran, the Schengen Area, the United Kingdom, Ireland, Brazil, and South Africa. (Guidance on seeking a NIE in India, referenced above, is provided separately through the [U.S. Embassy & Consulate - India website](#).) Categories eligible to apply for a NIE to a regional travel ban include foreign nationals seeking entry to the U.S. for purposes related to a public health response and certain Exchange Visitors, among others.

Visiting Scientists who wish to apply for a NIE should contact their local U.S. Embassy or Consulate for next steps. If additional documentation is requested, contact DIS. See [DIS Travel Guidance](#) for additional information. Be aware that many Embassies and Consulates continue to offer limited consular services and face application backlogs. Delays are expected. See [DOS Visa Services Operating Status Update](#) for additional information. DIS continues to discourage non-essential international travel.

U.S. Embassy in Russia to Cease Nonimmigrant Visa Services Effective 05/12/2021

Effective May 12, 2021, [U.S. Embassy Moscow will cease nonimmigrant visa processing](#) for non-diplomatic travel. The Embassy will reduce consular services to include emergency services for U.S. citizens and life or death emergency immigrant visas. This restriction does not impact immigration status within the U.S. Contact DIS if you believe you will be impacted by this update.

April 15, 2021

Date: April 15, 2021 11:10 AM

To: List DISFDA, FDA-DIS_LIAISONNEWS

Subject: Immigration Update – 04.15.2021

H-1B Travel Restrictions Expire, Additional Travel Restrictions and Delays Remain

The June 22, 2020 proclamation suspending entry into the United States of anyone seeking H-1B or H-4 dependent status – unless an exception applied – expired on March 31, 2021. The proclamation also restricted entry of L-1 nonimmigrants and certain categories of J-1 Exchange Visitors, though not those sponsored by NIH. The [Department of State](#) (DOS) indicates that anyone previously refused a visa under this specific proclamation may reapply by submitting a new application with fee.

With the ongoing COVID-19 pandemic, DIS continues to caution against international travel. Delays at U.S. Embassies and Consulates should be expected as the pandemic continues to have a significant impact on visa services. Availability of visa services will vary based on local conditions and restrictions. [Regional travel restrictions](#) remain in place, as does the [CDC COVID testing requirement](#).

If your FDA employee must travel abroad, please be aware that travel restrictions or changing country conditions may necessitate a delay in his/her return to the United States for an extended period of time. You should discuss that possibility with your employee and how it will impact their research program. They should also review [DOS Visa Services Operating Status](#) for additional information. [Contact DIS](#) if you have questions.

March 31, 2021

Date: March 31, 2021 12:16 PM

To: List DISFDA, DA-DIS_LIAISONNEWS

Subject: Immigration Update - 03.31.2021

South Africa Added to U.S. Travel Restrictions List

Effective January 30, 2021, **South Africa** became subject to COVID-19 travel restrictions to the U.S. per an [Executive Order](#). This order also reinstated and renewed travel restrictions from the **Schengen Area, the United Kingdom, Ireland, and Brazil**. **Travel restrictions from China and Iran remain in place per separate orders**. See the [Centers for Disease Control and Prevention \(CDC\)](#) website for additional information. Most of these countries with travel restrictions were added with little warning, and additional travel restrictions could also be imposed with very little warning.

Travel Bans Replaced with New Executive Order

On January 20, 2021, President Biden issued an [Executive Order](#) ending travel bans on primarily Muslim-majority and African countries put in place by the previous Administration. Note that other restrictions remain in place which may limit visa issuance and travel to the U.S.

Scientists Should Apply for EAD Extensions Early

U.S. Citizenship and Immigration Services (USCIS) has recently been [delayed in issuing I-797 Receipt Notices](#) for certain filings, commonly taking 45-60 days and some longer. We understand this has caused stress and confusion, especially for those relying on a Receipt Notice to extend work authorization.

Please note that it is always best to apply for immigration benefits as early as possible. For example, F-1 students applying for STEM OPT may apply as early as 90 days before the expiration of the current OPT Employment Authorization Document (EAD); F-1 students should contact their Designated School Official (DSO) at least 120 days before the expiration of OPT to initiate the process. Additionally, applicants holding an EAD based on a pending Adjustment of Status application may generally apply to renew their EAD up to 180 days in advance of the current EAD's expiration.

Reminder on Continued Travel Restrictions

With the ongoing COVID-19 pandemic, we continue to caution against international travel. Many countries are imposing greater travel restrictions and quarantine requirements on new arrivals. If a foreign scientist must travel abroad, he or she should research both the destination country and any connecting country for travel restrictions and quarantine requirements. As country conditions may change suddenly, please be aware that travel restrictions may cause a delay in their return to the United States for an extended or indefinite period of time. You should discuss that possibility with the scientist and how it will impact your research program.

If a scientist needs to obtain a visa to return to the U.S., they can check the [U.S. Embassy/Consulate's website](#) for the latest information on how the local conditions have impacted visa services. Many U.S. Embassies/Consulates are temporarily closed and are unable to provide routine visa services.

Review [DIS COVID-19 travel guidance](#) and [contact us](#) with questions.

DHS Public Charge Rule Invalidated

The Department of Homeland Security's (DHS) 2019 [public charge rule has been invalidated](#). Under this rule, DHS solicited additional information about an individual's use of public benefits when seeking certain immigration actions – namely, a change or extension of nonimmigrant status or adjustment of status to lawful permanent resident; potential or actual reliance on public benefits could have served as a basis for denial of these actions.

Following invalidation of the 2019 public charge rule, U.S. Citizenship & Immigration Services (USCIS) will soon require applicants to use new editions of forms that had requested information about public benefits, [including Form I-485 Application to Register Permanent Residence or Adjust Status, Form I-539 Application to Extend/Change Nonimmigrant Status, and Form I-129 Petition for Nonimmigrant Worker](#), among others. Additionally, applicants submitting Form I-485 no longer need to include [Form I-944, Declaration of Self-Sufficiency](#).

It is important to review all USCIS form instructions carefully to ensure use of an acceptable edition and adherence to updated guidance.

Department of State April Visa Bulletin

The Department of State (DOS) recently released the [April Visa Bulletin](#), which shows some forward movement. Specifically, first preference employment-based (EB-1) categories are **current worldwide**, while second preference employment-based (EB-2) China advanced seven weeks and EB-2 India advanced about three and a half months.

[USCIS will require](#) applicants follow the "Final Action Dates" chart for the month of April. USCIS will accept [adjustment of status](#)

applications from beneficiaries of an employment-based immigrant petition with a priority date earlier than the applicable date listed in the visa bulletin.

Please consult DIS with general questions. However, because applications to adjust status are personal applications, applicants should consult an experienced immigration attorney with detailed or specific questions.

Inform DIS of Lawful Permanent Resident (LPR) Status

DIS must be informed as soon as possible when Lawful Permanent Resident (LPR) status (or, a “green card”) is granted in order to meet reporting requirements and take any needed steps with ongoing immigration actions on behalf of the scientist. Please provide a copy of the green card to DIS along with a [completed Separation/Termination Notice](#). Scientists in LPR status are no longer monitored by DIS.

March 18, 2021

Date: March 18, 2021 03:31 PM

To: List DISFDA

Subject: Immigration Update 03.18.2021

USCIS Receipt Notice Delays

As announced in a DIS Immigration Update last month, U.S. Citizenship & Immigration Services (USCIS) has been [delayed in issuing I-797 Receipt Notices](#) for applications and petitions submitted to USCIS lockbox facilities. Unfortunately, these delays continue. USCIS’s website states that they are taking four to six weeks to issue receipt notices from the lockbox facilities; however, we are seeing some receipt notices take significantly longer, with some yet to be issued two months after case submission.

You are receiving this email because our records reflect that you are working at NIH using an Employment Authorization Document (EAD) based on a pending Adjustment of Status (or, “green card”) application. If you plan to remain at NIH beyond your current Not-to-Exceed (NTE) date, you are strongly encouraged to submit your EAD renewal application as early as possible. The receipt notice for the EAD renewal will serve as work authorization for 180 days until you receive the new EAD. Given current USCIS delays in receipt notice issuance, waiting too long to renew your EAD may result in a gap in work authorization and pay. EAD renewals based on a pending green card application may be filed up to 180 days before expiration of the current EAD. See [USCIS website](#) for additional information. Review [Instructions for Form I-765](#) to renew your EAD. You may also file [Form I-131](#) to renew your Advance Parole when you renew your EAD. Forms I-765 and I-131 are personal applications for which you are responsible.

Please work with your Administrative Officer to extend your appointment pursuant to the EAD renewal.

If you have already received your green card, or if you believe you are receiving this message in error, please contact DIS.

January 19, 2021

Date: January 19, 2021 03:31 PM

To: List DISFDA, DA-DIS_LIAISONNEWS

Subject: Immigration Update – 01.18.2021

CDC-Issued COVID Testing Requirement

Effective January 26, 2021, a [CDC-issued COVID testing requirement](#) will apply to all international travelers coming to the United States. Air passengers departing from any foreign country to the U.S. must provide:

- 1) A negative COVID test from within three calendar days of departure or
- 2) Documentation of COVID recovery

This applies to passengers two years and older, including U.S. citizens and lawful permanent residents. This requirement is currently scheduled to expire on December 31, 2021, and is subject to modification. This order does not supersede [travel restrictions](#) that were put in place in 2020. Please review the [CDC's website](#) for more details.

December 14, 2020

Date: December 14, 2020 11:55 AM

To: List DISFDA, DA-DIS_LIAISONNEWS

Subject: Immigration Update - 12.14.2020

Holiday Travel Considerations

Effective The holiday season is here! Many foreign scientists wish to spend the holidays with their families and friends in their home countries. This year, international travel is not the same due to COVID-19, and we want to warn of possible long delays if foreign scientists in your lab decide to travel.

DIS does not recommend international travel at this time. If a scientist departs the U.S., they may have difficulty returning as planned due to existing travel restrictions. New travel restrictions could also be implemented with little to no warning. If they need to obtain a new visa while abroad, they may experience delays in visa processing.

If your foreign scientist colleagues still want to travel internationally, please review the [travel resources](#) in conjunction with [updates related to COVID-19](#). If they are visiting a country that requires a national interest exception to re-enter the U.S., they should review the applicable [U.S. Embassy or Consulate's website](#) for travel guidance and contact them with any questions. Some national interest exceptions are only valid for 30-days from the date of issuance. Scientists should inform their supervisors of the risks of travel and [Contact DIS](#) with questions. We wish you a happy and healthy holiday season!

Expiration of Visa is NOT Expiration of Immigration Status

Visas are documents in the passport used solely to request entry into the United States. Visas can expire while visitors are inside the United States. It is not necessary to renew your visa if you otherwise do not plan to travel internationally. While it is still important to know the expiration date of the visa to ensure ease of travel, the visa expiration does not have an impact on an individual's status while inside of the United States.

Valid status can be verified by checking the enabling document, Form I-94, and passport entry stamp. Enabling documents include the DS-2019 for J-1 visitors, the I-20 for F-1 students, and I-797 for H-1B and O-1 status holders, in conjunction with the Form I-94. Please contact DIS with any questions or concerns about the validity of a scientist's immigration status. If a scientist's immigration status is sponsored by an outside organization – such as their University or J-1 program sponsor – the scientist should also contact that sponsor for guidance.

Signature Requirements on Form 829-1

When completing the signature requirements on Part 1, Page 3 of Form 829-1, be sure to include the signatures of both the Key Contact assigned to the matter, as well as that of the Center Director, at a minimum. Other signatures in addition to these two are acceptable, but not required. Electronic PIV signatures are acceptable.

Communicate Employment Details with Candidate Prior to Case Submission

Upon selection of a new employee candidate, it is important to communicate the proposed starting date and salary with the candidate prior to case submission to DIS, as these terms are integral to the application process. When selecting a start date with the candidate, keep in mind the [DIS processing times](#). DIS processing time does not include [USCIS I-129 processing times](#) at the California Service Center, so make sure you factor in time for both agency's processing, as well as time for FDA's Office of Human Resources processing. Often the candidate will need to utilize premium processing service at USCIS to achieve the desired start date. With the increased premium processing fee of \$2,500, it is essential for the candidate to know whether they will incur this expense. Also note that the proposed start date may need to be changed considering the above factors.

October 20, 2020

Date: Tuesday, October 20, 2020 10:25 AM
To: List DISFDA, DA-DIS_LIAISONNEWS
Subject: Immigration Update - 10.20.2020

Premium Processing Fee Increase

Effective Monday, October 19, 2020, [U.S. Citizenship & Immigration Services \(USCIS\)](#) increased the fee [for premium processing service](#), which allows for expedited adjudication of certain petitions. This increase was announced on Friday, October 16. The fee increased from \$1,440 to **\$2,500** for those petitions and applications that are currently eligible to use premium processing. Common form types filed by NIH that use premium processing include Form I-129 for H-1B, O-1 and TN status holders and some I-140 Immigrant Petitions. This increase in premium processing further underscores the importance of [timely submitting cases to DIS](#) to allow for maximum processing time. While outside circumstances may render premium processing difficult to avoid entirely, early case submission to DIS greatly mitigates this issue.

Please note that a recent DIS newsletter from October 9 referenced potential expansion of premium processing to additional application types. This expansion has not yet been implemented. DIS will monitor and advise as this develops.

Please contact us at DISFDA@mail.nih.gov if you have further questions or contact your DIS Immigration Specialist if you have an active case at DIS.

October 9, 2020

Date: Friday, October 9, 2020 11:09 AM
To: List DISFDA, DA-DIS_LIAISONNEWS
Subject: Immigration Update - 10.09.2020

Federal District Court Blocks Enforcement of DHS Rule

On September 29, 2020, a U.S. Federal District Court preliminarily enjoined the Department of Homeland Security (DHS) from implementing a rule – previously scheduled to take effect October 2 – which would have increased certain immigration filing fees and required updated forms. As long as this rule is enjoined, U.S. Citizenship & Immigration Services (USCIS) will continue to accept current editions of forms and fees.

The Division of International Services (DIS) previously announced this rule in our Immigration Updates newsletter on September 8th.

Congress Passes Legislation that Allows Increase, Expansion of Premium Processing

[Premium processing service](#) allows for expedited adjudication of certain petitions by USCIS for an additional fee. The continuing resolution bill funding the government through December 11th gave USCIS the authority to raise premium processing fees and expands the types of applications that may qualify for premium processing.

DIS will issue additional guidance once USCIS releases information about increased premium processing fees by case type, including the effective date of the increases.

Diversity Visa Lottery Program Now Open

The Fiscal Year 2022 Diversity Visa Lottery program opened on October 7, 2020 and will remain open until Tuesday, November 10, 2020 at noon EST. [Additional information](#) is available on the Department of State's website, including [eligible countries and procedures](#).

Available Numbers to Adjust to U.S. Permanent Resident Have Positively Advanced

For those who are eligible to adjust status to [Lawful Permanent Resident status in the U.S.](#), the Department of State recently released the [October Visa Bulletin](#), which shows forward movement in wait times for certain countries and types of employment-based categories. Individuals with an approved or pending I-140, Immigrant Petition for Alien Workers, should compare the petition's priority date – located on the I-140 receipt and approval notices – with the visa bulletin to determine if filing of the adjustment of status application (Form I-485) is permissible. There are two dates to review in the Bulletin – the "Final Action Date" which is the date an immigrant visa number can be issued and the "Filing Date" which is the date U.S. Citizenship & Immigration Services (USCIS) will accept your adjustment of status application. You must consult [the USCIS Adjustment of Status Filing Charts](#) every month to confirm whether the "Filing Date" chart applies. The adjustment of status process is a personal one with potential complications. Detailed questions should be referred to an experienced immigration attorney.

Note: J-1 Exchange Visitors should be aware that pursuing lawful permanent resident status may affect eligibility for program extensions and transfers and visa issuance. Please consult with DIS – or your J-1 sponsor, if not sponsored by NIH – if you are considering this route.

September 28, 2020

Date: Monday, September 28, 2020 9:49 AM

To: List DISFDA, DA-DIS_LIAISONNEWS

Subject: Immigration Update - 09.28.2020

USCIS Reminds F-1 Status Holders in Post-Completion OPT and their DSOs to Enter Employer Information in SEVIS

Exceeding unemployment limits can result in a loss of status for F-1 status holders. USCIS has therefore issued an important reminder that F-1 aliens participating in post-completion Optional Practical Training (OPT), and their designated school officials (DSOs) must update the employer information in the Student and Exchange Visitor Information System (SEVIS), including unemployment data. F-1 aliens should notify their DSO within 10 days of any changes to their personal or employment information. In turn, DSOs must update SEVIS with the alien's information within 21 days. This reminder helps ensure F-1 aliens and DSOs properly comply with existing requirements. For more information from USCIS on this topic, [click here](#).

Importance of Timely Onboarding for Foreign Scientists

It is important to submit new FTE case requests to DIS with reasonable and ample time for processing. Failure to allow sufficient processing time by DIS, U.S. Citizenship & Immigration Services (USCIS), and the Office of Human Resources can result in delays in onboarding. Such delays have immigration compliance implications for both the employer and prospective employee. More information can be found on our [Case Processing Times](#) web page.

Report Changes in Work Location to DIS

Any changes in a foreign national scientist's work location – including telework site(s) at home or elsewhere – must be reported to DIS in advance. DIS must review the change to determine what action must be taken to accommodate the new worksite. Depending on the worksite location and immigration status, a new petition may need to be filed with USCIS before the change occurs. Failure to update DIS can result in complications with immigration status.

New Form I-765 for Employment Authorization and Fee Increase

U.S. Citizenship and Immigration Services will soon require a new [Form I-765, Application for Employment Authorization](#), effective **October 2, 2020**. This form is often used by J-2 dependents, F-1 students, certain H-4 dependents, and applicants for adjustment of status that need an Employment Authorization Document (EAD).

- USCIS will accept the *current* edition of Form I-765 dated 08/25/20 if it is postmarked **on or after** 08/25/2020.
- The 10/02/2020 edition has not yet been published. It is currently available in [preview mode](#) only. This edition will not be accepted if it is postmarked prior to 10/02/2020. After 10/02/2020, the new form will be the only acceptable edition if postmarked after 10/02/2020.

In addition to the upcoming new form, the required fee for submission of the Form I-765 will also increase effective October 2, 2020. The fee will increase from \$410 to \$550. This does not include the biometric fee that is additionally required for some EAD categories. Use the [USCIS Fee Calculator](#) to determine the correct fee amounts when ready to submit. Note that this fee increase is part of a broader fee increase by USCIS.

September 8, 2020

Date: Tuesday, September 8, 2020 5:30 PM
To: List DISFDA, DA-DIS_LIAISONNEWS
Subject: Immigration Update 09.08.2020

USCIS Fee Updates and Premium Processing Times

U.S. Citizenship & Immigration Services (USCIS) will [impose new filing fees and fee requirements](#) for many of their immigration petitions and applications. Please see the following for some of the proposed fee changes to petitions/applications common to FDA.

Form	Current Fee	New Fee
Nonimmigrant		
I-129/H-1B	\$460	\$555
I-129/O-1	\$460	\$705
I-129/TN	\$460	\$695
I-539 (Paper)	\$370	\$400
I-539 (Online)	\$370	\$390
Immigrant		
I-140	\$700	\$555
I-485	\$1,140	\$1,130
I-131	\$575	\$590
I-765 (non-DACA)	\$410	\$550

The filing fees for form I-131 and I-765 will no longer be included with the form I-485. Additionally, USCIS will change the premium processing timeframe from 15 calendar days to **15 business days**. The effective date of the new fee schedule and change to premium processing timeframe is **October 2, 2020**. Filings postmarked before this date will not be subject to the new fees.

June 23, 2020

Date: Tuesday, June 23, 2020 2:44 PM
To: List DISFDA, DA-DIS_LIAISONNEWS
Subject: Immigration Update 06.23.2020

Presidential Proclamation

On June 22, 2020, the United States Government announced a new proclamation [suspending entry of certain H, J, and L Nonimmigrants](#). The proclamation is effective June 24, 2020 and expires on December 31, 2020. The proclamation may be modified during this period as deemed necessary.

The new proclamation suspends entry into the United States of anyone seeking H-1B (or H-4 dependent) status, J-1 status in certain categories, or L-1 status. Exceptions to the proclamation may apply, including for medical professionals working to combat COVID-19. DIS is monitoring the situation and will update the FDA Visiting Program community of any changes as they occur. We will work with Centers and scientists impacted by this (and previous) proclamations and other travel restrictions.

How does this affect you?

If you are currently in the U.S., this proclamation does **not** affect your current nonimmigrant status. You may continue to work/train at FDA and remain in the U.S. **DIS does not recommend that you travel at this time.** If you have an emergency situation, please contact us before making any travel plans.

Current and prospective H-1B Employees and their H-4 dependents outside of the U.S. face the greatest impact of this proclamation. H-1B nonimmigrants are unable to enter the U.S. unless falling under an exception. As mentioned above, if you are currently in the U.S., your H-1B nonimmigrant status is not affected at this time.

Current and prospective H-1B Employees and their dependents inside the U.S. are still eligible for extensions and change of status.

- Current H-1Bs are still eligible for extensions of H-1B status.
- Those holding alternate nonimmigrant status (e.g., J-1 or F-1) are still eligible to change to H-1B status from within the country.

J-1 Research Scholar and Short Term Scholar categories are exempt from this proclamation.

F-1, O-1, TN, and other nonimmigrant status are not affected by this proclamation. The only other status that is specifically affected by this proclamation is L-1 status, which is not sponsored by FDA.

Please note previous proclamations for travelers coming to the U.S. remain in effect, specifically from [Brazil](#), the [Schengen Area](#), [United Kingdom](#), [Ireland](#), [China](#), and/or [Iran](#). Additionally, the Department of State's [suspension of routine visa services](#) implemented on March 18, 2020 remains in place.

We understand that this is a challenging time for FDA Visiting Program participants. Please [contact us](#) with any questions or concerns. We remain committed to assisting you during these unprecedented times.

June 19, 2020

Date: Friday, June 19, 2020 2:54 PM

To: List DISFDA, DA-DIS_LIAISONNEWS

Subject: Immigration Update 06.19.2020

FDA COVID-19 Resources Web Page

Due to COVID-19, the DIS office continues to be closed to most in-person visitors. However, DIS staff are working remotely to serve you. We are committed to providing resources and guidance to the FDA community during this challenging and unprecedented time.

Please refer to the [FDA DIS Covid-19 Information web page](#) for important information regarding the impact of COVID-19 on FDA visiting scientists, DIS guidance, and government updates. These resources will be updated as new developments arise.

Updated H-1B Employer Letter Template

DIS has updated our H-1B Employer Letter template. The Employer Letter is intended to demonstrate the employee's prospective field of work and the degree required for the position, and it also clarifies that the prospective employee has the required degree and necessary experience for the position. Please use the newest template, attached, when preparing H-1B Employer Letters for submission with H-1B cases to DIS moving forward.

Ensure Approved and Accurate Salary Before Case Submission to DIS

Please be sure to include the accurate approved salary on casework sent to DIS and make sure that the funding amount is consistent on all case documents. If DIS receives a case with an inaccurate salary, compliance issues may arise due to incorrect information provided to the Department of Labor and U.S. Citizenship & Immigration Services (USCIS). Furthermore, delays in case processing occur due to the time it takes to revise necessary documents. Thank you for your assistance with this matter.

Check I-94 Upon Reentry to U.S. Every Time You Travel

When traveling abroad, make sure to always check your I-94 record (www.cbp.gov/i94) and send DIS a copy immediately after re-entry to the U.S. to avoid any issues. For those in H-1B, O-1, and TN status, if you travel abroad with a passport that will expire before the end of your I-797 Approval Notice, Customs and Border Protection (CBP) officers may truncate your I-94 admit-until-date upon your re-entry to the U.S. to match the end date of your passport. If your I-94 record is truncated, either DIS will need to file another petition to extend your immigration status, or you will have to travel abroad and re-enter the country with a new passport. If a truncation is overlooked without your or DIS knowledge and you overstay the end date on your I-94, you may begin accruing unlawful presence in the U.S., which could have serious implications for your present and future immigration status.

Report Home Address Changes to both DIS and USCIS

When It is important that you notify DIS of your new address by completing the [DIS Change of Address Form](#). You should also provide your new address to your Center's administrative office, as well as the Office of Human Resources.

Additionally, did you know that most noncitizens must report a change of address to the government within 10 days of moving within the United States? Notifying appropriate government agencies of your current residential address is a requirement for most work-authorized non-immigrant statuses.

Review the [DIS Change of Address form](#) and see the [U.S. Citizenship & Immigration Services \(USCIS\) website](#) for additional information. Note: changing your address with the U.S. Postal Service (USPS) will not change your address with USCIS. Please update your information with both USCIS and USPS as needed.

Participating in Protests

In recent weeks, we have seen many people across the United States gathering in demonstrations. As a foreign national in the United States, you may peacefully participate in demonstrations during non-working hours. However, you should be aware that even if your intent is only to be part of a peaceful demonstration, there is a chance that the situation could escalate at the event to warrant police involvement and your participation could ultimately have immigration consequences.

If you do decide to participate in the demonstrations and are arrested or charged, please remember to consult with an immigration attorney, along with a defense attorney if one is needed. Please also contact our office if you are arrested or if you are charged with a crime.

June 2, 2020

Date: Tuesday, June 2, 2020 9:03 AM

To: List FDA-DIS_LIAISONNEWS

Subject: Immigration Update 06.02.2020

USCIS to Resume Premium Processing Service

On Friday, May 29, 2020, U.S. Citizenship & Immigration Services (USCIS) announced plans to resume premium processing service in a phased process. As applicable to NIH filings, the phases are as follows:

- June 1: Eligible filings of Form I-140, Immigrant Petitions for Alien Workers
- June 8: H-1B cap-exempt/TN/O-1 petitions that were filed before June 8 pending adjudication at USCIS requesting a premium "upgrade"
- June 15: H-1B petitions that are cap-exempt and concurrently filed with a request for premium processing
- June 22: O-1/TN petitions concurrently filed with a request for premium processing

All H-1B petitions filed by the NIH are cap-exempt and therefore eligible for premium processing under the above guidelines. Dates are subject to change as USCIS accepts more premium processing requests; any changes to these dates will be announced by USCIS and monitored by DIS.

Premium processing service offers the option for expedited adjudication of petitions in a period of 15 calendar days. USCIS suspended this service on Friday, March 20, 2020 for Form I-129, Petition for Nonimmigrant Worker and Form I-140, Immigrant Petition for Alien Worker, due to COVID-19. If you have a case request pending at DIS that may benefit from premium processing, your Immigration Specialist will work closely with you on next steps. Otherwise, please contact DIS@mail.nih.gov with questions.

May 27, 2020

Date: Wednesday, May 27, 2020 3:56 PM
To: List FDA-DIS_LIAISONNEWS
Subject: Immigration Update – 05/27/2020

New Presidential Proclamation on Travel Restrictions (Brazil)

On May 24, 2020, the United States Government announced new travel restrictions for travelers [coming to U.S. from Brazil](#). Following initial announcement, the proclamation was amended to be [effective May 26, 2020](#). This newest proclamation is in addition to the restrictions for travelers coming to the U.S. from the [Schengen Area, United Kingdom, Ireland, China, and/or Iran](#).

The proclamations temporarily suspended and limited the entry into the United States of all immigrants or nonimmigrants who were physically present within the Schengen Area, United Kingdom, Ireland, China, Iran and/or Brazil during the 14-day period preceding their entry or attempted entry into the United States. For purposes of this proclamation, the Schengen Area comprises 26 European states: Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and Switzerland. NIH trainees and employees (and their dependents) who are currently in the Schengen Area, United Kingdom, Ireland, China, Iran and/or Brazil will likely experience delayed arrival to the U.S. due to these restrictions.

Our office will continue to monitor the situation and update the Visiting Program community of any changes in the travel restrictions.

April 24, 2020

Sent: Friday, April 24, 2020 10:55 AM
To: List FDA-DIS_LIAISONNEWS
Subject: Immigration Update - 04.24.2020

Presidential Proclamation, DIS Processing, Governmental Resources

The recent [Presidential Proclamation](#) suspending entry of immigrants does not affect Visiting Scientists at the FDA. It will impact mostly individuals applying for immigrant visas overseas (i.e. individuals overseas seeking green cards). It does not impact those seeking sponsorship for nonimmigrant visas (e.g. H-1Bs, J-1s, TNs) or applications to adjust status to a lawful permanent resident inside the U.S. The proclamation also does not impact foreign nationals already in the U.S. seeking to extend or change their current immigration status. The Proclamation contains exemptions for health care providers, including physicians, researchers and other individuals involved in the containment or mitigation of COVID-19.

We will monitor any future immigration updates and notify the FDA community as they arise.

DIS continues to accept and process cases for FDA Visiting Scientists. While the [U.S. Citizenship & Immigration Services \(USCIS\) suspension of premium processing](#) currently remains in place – impacting adjudication of H-1B petitions, among others – we will do everything possible to ensure expeditious filing of these petitions and explore all available options.

Please also refer to the below webpages for COVID-19 updates from various government agencies:

- o [U.S. Citizenship and Immigration Services \(USCIS\)](#)
- o [Department of State \(DOS\)](#)

- o [Center for Disease Control and Prevention \(CDC\)](#)
- o [Department of Homeland Security \(DHS\)](#)
- o [Customs and Border Protection \(CBP\)](#)
- o [Social Security Administration \(SSA\)](#)
- o Department of Motor Vehicles (DMV)
 - § [Maryland](#)
 - § [District of Columbia](#)
 - § [Virginia](#)

If you have any questions or concerns, please contact us at DISFDA@mail.nih.gov. We are committed to providing resources and guidance during this challenging and unprecedented time.

March 23, 2020

Sent: Monday, March 23, 2020 1:15 PM

To: List NIHISBNEWS

Subject: Immigration Update 03.23.2020

U.S. Citizenship & Immigration Services (USCIS) Suspends Premium Processing Service

On Friday, March 20, 2020, [U.S. Citizenship & Immigration Services \(USCIS\)](#) announced the immediate suspension of premium processing service for [Form I-129, Petition for Nonimmigrant Worker](#) and [Form I-140, Immigrant Petition for Alien Worker](#), due to COVID-19. This suspension will apply to all H-1B, O-1 and TN petitions filed by the NIH and will last for an unknown duration.

[Premium processing service](#) generally offers the option for expedited adjudication of petitions in a period of 15 calendar days. While premium processing service is suspended, petitions will be adjudicated under [standard USCIS Case Processing times](#). The Division of International Services (DIS) is working hard to minimize the impact of this suspension on employees and Institutes/Centers (ICs). ICs should continue to submit case requests to DIS as early as possible. If you already have a case request pending at DIS, your Immigration Specialist will work closely with you on next steps. Otherwise, please contact DIS@mail.nih.gov/DISFDA@mail.nih.gov with questions.

U.S. Department of State Suspends Routine Visa Services

Additionally, [the Department of State \(DOS\)](#) has now suspended routine visa services at all U.S. Embassies and Consulates worldwide. This includes the issuance of nonimmigrant visas (e.g. J-1, H-1B) to enter the U.S.

While the suspension of visa services at Embassies and Consulates abroad limits eligibility to enter the U.S., it does not impact a Visiting Scientist's immigration status while s/he remains inside the U.S. Additionally, it does not impact an overseas Visiting Scientist who has already received his/her visa. If a Visiting Scientist has already received a visa and is not impacted by travel restrictions, s/he will be able to enter the U.S.

Embassies and Consulates will resume routine visa services as soon as possible but are unable to provide a specific date at this time. Please contact DISFDA@mail.nih.gov with questions or concerns.

March 16, 2020

Update: Electronic Case Submission to DIS Required Effective Today

Sent: Monday, March 16, 2020 4:38 PM
To: List FDA-DIS_LIAISONNEWS
Subject: DIS Immigration Update - 03.16.2020

DIS has recently updated internal policies in light of the rapidly evolving COVID-19 situation. Effective March 17, 2020, FDA Centers should submit all case requests to DIS electronically. Hard copy cases should not be mailed to DIS. Scanned cases must be sent securely to protect the Personally Identifiable Information (PII). Our FDA email box is unable to receive encrypted emails, so, in order to submit cases to DIS securely, please take the following steps:

- Email DISFDA@mail.nih.gov with the subject line, "Remote Case Submission – [SCIENTIST LAST NAME, SCIENTIST FIRST NAME]"
- We will reply to your request with an email containing a link and instructions to submit via [Secure Email File Transfer](#)
- The case will then undergo intake and follow standard procedure
- Save the SEFT email you receive from DIS. After your initial case submission via SEFT you should be able to re-use the same link for later submissions. If so, please update the subject line as needed

This requirement updates DIS's prior announcement from last week about optional electronic submission. This modified process requiring electronic submission will continue for 30 days from the date of this announcement or until further notice. We will revisit the case submission process as the situation evolves.

March 13, 2020

Sent: Friday, March 13, 2020 11:30 AM
To: List FDA-DIS_LIAISONNEWS
Subject: DIS Immigration Update - 03.13.2020

DIS understands that many staff members of the Food and Drug Administration (FDA) – both in the Administrative and Scientist communities – may be on new or increased telework schedules. In light of these changes, please note the following:

Electronic Case Submission

Currently, DIS staff remains physically present in the office. However, we will accept scanned electronic case submissions from FDA if the Center's administrative contacts are working remotely and unable to mail hard copy cases to DIS. Scanned cases must be sent securely to protect the Personally Identifiable Information (PII). Our FDA email box is unable to receive encrypted emails, so, in order to submit cases to DIS securely, please take the following steps:

- Email DISFDA@mail.nih.gov with the subject line, "Remote Case Submission – [SCIENTIST LAST NAME, SCIENTIST FIRST NAME]"
- We will reply to your request with an email containing a link and instructions to submit via [Secure Email File Transfer](#)
- The case will then undergo intake and follow standard procedure
- Save the SEFT email you receive from DIS. After your initial case submission via SEFT you should be able to re-use the same link for later submissions. If so, please update the subject line as needed

This modified process will continue for 30 days from the date of this announcement. We will revisit the case submission process as telework schedules evolve.

Notification to DIS of New Telework Schedules for Foreign National Employees

DIS must review the records of FDA's foreign national Full-time equivalent (FTE) employees – those who do not have lawful permanent resident status (green card) or U.S. Citizenship – to ensure the new schedule will not create any immigration compliance issues. Many employees already have telework incorporated into their H-1B petitions. In that case, assuming the individual's address has not changed, no further action will be required. If telework was not previously addressed, DIS will need to take action at this time, likely arranging for updated Labor Condition Application (LCA) postings.

Please notify DIS (DISFDA@nih.gov) of any foreign national FTEs who have entered or will be entering new or modified telework schedules. We will review their records to confirm next steps, if any. Foreign national employees of FDA whose immigration status is sponsored by a University or outside organization should contact their sponsor to confirm any necessary action to accommodate a modified schedule.