



GMS Flash Alert

Immigration Edition

2020-050 | March 6, 2020

United States - Immigration Updates: COVID-19 Entry Restrictions, TPS and Yemen

In this GMS *Flash Alert*, we report on recent U.S. immigration-related developments, including the February 29 presidential proclamation concerning restrictions on entry to the United States if an individual has come from Iran and the government's extension of Temporary Protected Status (TPS) for Yemen.

WHY THIS MATTERS

Employers with foreign national employees – and educational institutions with students, faculty, and researchers – traveling from Iran and the People's Republic of China into the United States, should stay abreast of developments in the United States that could restrict the entry of such individuals (as well as the entry of their dependents and family members). Any change in the legal position of these individuals could have consequences not only for their ability to enter or re-enter the United States, but also their continued employment or studies in the United States if they are among the categories of individuals covered under the proclamation. There could be delays and relocation issues coming up.

The travel restrictions include foreign nationals who hold valid U.S. nonimmigrant visas.

Employers of Yemini TPS beneficiaries should also be apprised of the Department of Homeland Security's (DHS) extension of Yemen for TPS designation that may impact their employees requiring extension of work authorization.

Presidential Proclamation on Travel from COVID-19 Crisis Country – Iran

On February 29, 2020, President Trump signed a new [presidential proclamation](#) imposing additional travel restrictions affecting certain foreign nationals who have been present in Iran within 14 days of seeking admission to the United States.¹ These new travel restrictions took effect on March 2, 2020, 5:00pm EST and continue to remain in effect.

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People's Republic of China

This follows the presidential proclamation of January 31, 2020, on the "Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus and Other Appropriate Measures To Address This Risk," which concerns certain individuals entering the United States from the People's Republic of China.²

Who Is Exempt?

While a large number of foreign nationals seeking admission to the United States who were present in Iran and China within 14 days of their attempted entry will be prohibited from entering, the proclamation has also outlined a number of exemptions. The following groups of foreign nationals are exempt from the travel restrictions:

- Any lawful permanent resident of the United States;
- The spouse of a U.S. citizen or lawful permanent resident;
- The parent or legal guardian of a U.S. citizen or lawful permanent resident, provided that the U.S. citizen or lawful permanent resident is unmarried and under the age of 21;
- The sibling of a U.S. citizen or lawful permanent resident, provided that both are unmarried and under the age of 21;
- The child, foster child, or ward of a U.S. citizen or lawful permanent resident, or who is a prospective adoptee seeking to enter the United States pursuant to the IR-4 or IH-4 visa classifications;
- Foreign national traveling at the invitation of the U.S. government for a purpose related to containment or mitigation of the virus;
- Foreign national traveling as a nonimmigrant pursuant to a C-1, D, or C-1/D nonimmigrant visa as a crew-member or any alien otherwise traveling to the United States as air or sea crew;
- Foreign national seeking entry into or transiting the United States pursuant to one of the following visas: A-1, A-2, C-2, C-3 (as a foreign government official or immediate family member of an official), E-1 (as an employee of TECRO or TECO or the employee's immediate family members), G-1, G-2, G-3, G-4, NATO-1 through NATO-4, or NATO-6 (or seeking to enter as a nonimmigrant in one of those NATO categories);
- Foreign national whose entry would not pose a significant risk of introducing, transmitting, or spreading the virus, as determined by the Secretary of Health and Human Services, through the Director of the Centers for Disease Control and Prevention (CDC) or his designee;
- Foreign national who whose entry would further important United States law enforcement objectives and the national interest;
- Members of the U.S. Armed Forces and spouses and children of members of the U.S. Armed Forces.

Note, foreign nationals that fall under the exempted groups listed above may still be subject to quarantine measures as set out by the U.S. Department of Health and Human Services upon arrival to the United States.

DHS Extends Designation of Temporary Protected Status for Yemen

The Department of Homeland Security (DHS) has extended the designation of Yemen for TPS for 18 months, from March 4, 2020 through September 3, 2021.³ This extension will allow currently eligible beneficiaries to retain TPS benefits including eligibility for work authorization to September 3, 2021, so long as they otherwise continue to meet eligibility requirements.

El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan

This follows the November 2019 extension of the validity of TPS-related documentation for beneficiaries under the TPS designations for El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan through January 4, 2021.⁴ The *Federal Register* notice published by DHS automatically extended the validity of Employment Authorization Documents; Forms I-797, *Notice of Action*; and Forms I-94, *Arrival/Departure Record* (collectively, TPS-related documentation) for TPS beneficiaries from the aforementioned countries.

Background on Temporary Protected Status (TPS)

When conditions in a given country temporarily prevent the country's nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately, DHS may designate such foreign country for TPS. Typically, with respect to countries where there is ongoing armed conflict, an environmental disaster has occurred, or there are other extraordinary and temporary conditions, the DHS may designate such a country for TPS. Under this program, the United States Citizenship and Immigration Services (USCIS) may grant TPS, including permission to work lawfully, to eligible nationals of TPS-designated countries who are already in the United States.

Next Steps for Eligible TPS Beneficiaries from Yemen

Effective March, 2, 2020, current Yemeni TPS beneficiaries have 60 days, or until May 1, 2020, to request an 18-month extension of status and work authorization.

Given lengthy processing times for TPS re-registration applications, beneficiaries with timely-filed TPS re-registration and work authorization applications will have the validity of the work authorization cards (EADs) automatically extended for 180 days, through August 30, 2020.

For more information on the TPS re-registration process related to Yemen, please visit:

<https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-yemen>.

FOOTNOTES:

1 For an announcement of this policy, click [here](#).

For the residential proclamation, click [here](#).

2 See [Presidential Proclamation 9984](#). This proclamation means that entry into the United States, as immigrants or nonimmigrants, of all aliens who were physically present within the People's Republic of China, excluding the Special Administrative Regions of Hong Kong and Macau, during the 14-day period preceding their entry or attempted entry into the United States is hereby suspended and limited subject to certain conditions and exceptions noted in the proclamation.

3 See the announcement on the USCIS website by clicking [here](#).

4 See that announcement on the USCIS website by clicking [here](#).

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New Thought Leadership from KPMG: “Coronavirus: Protect Your Staff and Your Business”

Due to the rapid development of the novel coronavirus situation, many companies have initiated business continuity planning to protect their staff and mitigate the impact on their business operations. In light of the concerns around international assignees – including business travelers – in affected areas, the KPMG People Services team in the People’s Republic of China has developed a [booklet](#) (“Coronavirus: Protect Your Staff and Your Business” (February 2020)) highlighting the key considerations for these issues from high level tax, legal, and immigration perspectives.

Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or one of the following professionals with the KPMG International member firm in Canada:



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