



# GMS Flash Alert

## Immigration Edition

2020-065 | March 17, 2020

# United States - U.S. Embassies and Consulates Suspend Services; USCIS Office Closures

In light of the U.S. government's COVID-19 virus response, additional U.S. Consulates and Embassies around the world have cancelled nonimmigrant and immigrant visa appointments until further notice. (For related coverage, see [GMS Flash Alert 2020-059](#), March 15, 2020.) Once U.S. Consulates and Embassies resume normal operations, it is anticipated applicants will be able to reschedule their appointments.

Below we have provided responses to commonly asked questions in light of multiple U.S. Consulate and Embassy suspensions of routine visa services.

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## WHY THIS MATTERS

Further cancellations and other reductions in consular services are quite possible in the near future. Foreign nationals with upcoming U.S. visa appointments should monitor U.S. Consulate and Embassy websites for the most recent information on consular services at <http://usembassy.gov>.

Similarly, employers with foreign national employees should stay abreast of such developments as U.S. consulate service suspensions and closures could restrict the U.S. entry of the affected employees.

Further, additional U.S. Citizenship and Immigration Services (USCIS) office closures can also be expected amid the COVID-19 response. In the event of additional local USCIS office closures, individuals with upcoming appointments at USCIS local offices may have their appointments rescheduled.

# Delays and Cancelations at Embassies and Consulates

Visa appointment cancelations have been reported from the below list of U.S. Consulates and Embassies:

- **Amsterdam, Austria, Bahamas, Belgium, Colombia, Denmark, Dominican Republic, France, Germany, India<sup>1</sup>, Ireland, Italy, Philippines, Poland, Spain, Saudi Arabia, Sweden, Switzerland:** The U.S. Embassies/Consulates in these jurisdictions are canceling most immigrant and nonimmigrant visa appointments effective March 16, 2020, and until further notice.
- **Canada:** The U.S. Consulate in Toronto is cancelling nonimmigrant visa appointments.
- **Lithuania:** The U.S. Embassy in Vilnius is cancelling most immigrant and nonimmigrant visa appointments effective March 16, 2020, until further notice.
- **United Kingdom:** The U.S. Embassy in London is cancelling nonimmigrant and immigrant visa appointments beginning March 17 until further notice.
- **South Africa:** The U.S. Mission is cancelling most nonimmigrant visa appointments from March 16 until May 31, 2020.
- **Brazil:** The U.S. Consulate General of Recife has started cancelling visa appointments.

Additionally, many USCIS local offices are cancelling green card interviews and other appointments, including biometrics appointments at USCIS Application Support Centers (ASCs). Please visit <https://www.uscis.gov/about-us/uscis-office-closings> for the latest USCIS office closures.

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## KPMG NOTE

### KPMG Law LLP in Canada Is Monitoring the Situation

Our office is tracking these matters closely. We will endeavor to keep readers of GMS *Flash Alert* posted on any important developments as and when they occur.

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## Commonly Asked Questions

### **(1) I am outside the United States and my U.S. visa appointment has been cancelled. I do not have a valid entry document to return to the United States. What do I do next?**

Notify your employer's local Human Resources or Global Mobility representatives, as well as your employer's immigration counsel of your current situation and your inability to return to the United States. It may also be beneficial to notify your manager of the circumstances to advise of any potential disruptions to your ability to work in accordance with any plan in place to help ensure business continuity.

### **(2) Am I allowed to work remotely until the U.S. Consulate/Embassy resumes visa operations and I am able to return to the United States?**

Typically a work permit is not required to work in a country where you hold citizenship or valid residency status.

As each country has specific immigration and employment authorization requirements, it is important to confer with your employer's respective immigration counsel to determine whether there are restrictions working remotely in your home country for a U.S. employer. Additionally, there may be tax implications or other data security concerns triggered by working remotely for extended periods. Thus, it is recommended to connect with your employer's Human Resources and tax representatives to further discuss the arrangement for remote work.

**(3) I have an urgent matter and need to travel to the U.S. immediately, can I request an expedited appointment?**

In limited circumstances, foreign nationals with an urgent matter who need to travel to the U.S. immediately may request an emergency appointment following the instructions as outlined by the specific U.S. Consulate or Embassy in their jurisdiction. Emergency visa appointments are granted at the Consular Section’s discretion. Circumstances that may be considered for emergency appointment include: an immediate relative’s death; grave illness or life threatening accident taking place in the U.S.; or the need for urgent medical treatment for the applicant in the United States.

**(4) What happens to the MRV Fee I paid to schedule the visa appointment?**

MRV visa fees are non-refundable and non-transferable. However, the MRV fee is valid and may be used for a visa application in the country where it was purchased within one year of the date of payment for a rescheduled appointment.

**(5) My visa status (L-1; TN; E-3; H-1B1) is expiring and needs to be extended. Do I have alternative options for extending my status and work authorization in the U.S. versus having to travel to a U.S. Consulate or to the U.S. Port of Entry to renew?**

In light of visa appointment cancelations by the U.S. Consulates and the ongoing COVID-19 pandemic, it may not be possible for individuals to travel internationally to renew their visas; or there may be personal concerns with risk of exposure from travel.

As an alternative to applying for your visa extension at the U.S. Consulates and/or at the U.S. Port of Entry, applications for visa extensions can also be filed inland directly with the USCIS. While the U.S. Consulates/Embassy fall under the direction of the U.S. Department of State, the USCIS is a separate governmental agency under the direction of the U.S. Department of Homeland Security. Both the USCIS and the U.S. Consulates/Embassies have the authority to adjudicate immigration-related benefits. Even in cases of visa extension, the USCIS will adjudicate requests for the work authorization extension as a new application and not provide deference to prior approvals. Current adjudication trends also show requests for immigration benefits submitted to the USCIS undergo a high level of scrutiny and face increased risks for additional government requests in the form of Request for Further Evidence (RFE) notices. While visa adjudication at U.S. Consulates/Embassies or at the U.S. Port of Entry are instantaneous, visa applications submitted through the USCIS face extended processing times, on average taking several months.

Employees with upcoming work authorization expiration dates and concerns regarding travel should contact their HR or global mobility representatives in conjunction with their employer’s immigration counsel to determine best next steps and a strategy for maintaining valid work authorization based on the employee’s individual circumstances.

**FOOTNOTE:**

1 As an example, see this posting on the website of the U.S. Embassy in India, "[Alert: Cancelling of immigrant and nonimmigrant visa appointments.](#)"

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**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:



**Chelsea Hsieh**  
**Senior Manager/Senior Attorney, U.S. Immigration**  
KPMG Law LLP – Tax + Immigration, Canada  
Tel. +1-416-943-7874  
[chelseahsieh@kpmg.ca](mailto:chelseahsieh@kpmg.ca)



**Mira Khalid**  
**Associate/Attorney, U.S. Immigration**  
KPMG Law LLP – Tax + Immigration, Canada  
Tel. +1-416-943-7830  
[mirakhalid@kpmglaw.ca](mailto:mirakhalid@kpmglaw.ca)

*\* Please note that KPMG LLP (U.S.) does not provide any immigration services or legal services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.*

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