

International Trade Alert

Akin Gump
STRAUSS HAUER & FELD LLP

United States Suspends Visa Services Abroad, Cancels ESTA Entry Authorizations for European Visitors and Closes USCIS Field Offices

March 18, 2020

Key Points

- Most U.S. Embassies and Consulates around the world have suspended visa services and cancelled visa interview appointments.
- Individuals traveling to the United States on a Visa Waiver Program that are subject to the COVID-19 entry restrictions have had their ESTA approvals canceled.
- Visitors in the United States on a Visa Waiver Program who are stranded due to international COVID-19 travel restrictions may be able to apply for temporary extension of stay for up to 30 days.
- U.S. Citizenship and Immigration Services has closed to the public until at least April 1. USCIS staff continues to perform duties that do not involve contact with the public.

Suspension of Most Visa Services at U.S. Embassies and Consulates Abroad

As the coronavirus pandemic continues to spread around the world, the U.S. Government has suspended visa services and canceled related non-emergency immigrant and nonimmigrant visa interview appointments at U.S. Embassies and Consulates around the world. Applicants have been notified electronically, and individual Embassies and Consulates have posted suspension notices on their websites. As of the time of this alert, most U.S. Embassies and Consulates have suspended visa services, including but not limited to those in Austria, Denmark, Canada, France, Germany, India, Ireland, Mexico, the Philippines, Poland, Russia, Spain, South Africa, Switzerland, and the United Kingdom.

Automatic Cancellation of Visa Waiver/ESTA Approvals for Travelers Subject to COVID-19 Entry Restrictions

Individuals traveling to the United States under the Visa Waiver Program (VWP), but subject to the Proclamations restricting entry from the **Schengen Area countries** and the **United Kingdom and Ireland**, have had their approvals **canceled** preemptively in the U.S. Electronic System for Travel Authorization (ESTA). In **online FAQs** issued by

Contact Information

If you have any questions concerning this alert, please contact:

Thomas J. McCarthy

Partner

tmccarthy@akingump.com

Washington, D.C.

+1 202.887.4047

Lars-Erik A. Hjelm

Partner

lhjelm@akingump.com

Washington, D.C.

+1 202.887.4175

Maka Y. Hutson

Counsel

mhutson@akingump.com

Dallas

+1 214.969.2781

Sina Kimiagar

Associate

skimiagar@akingump.com

Washington, D.C.

+1 202.887.4306

the Department of Homeland Security (DHS), DHS notes the travelers whose ESTA is cancelled solely due to the Proclamations will be able to re-apply for ESTA at a later time.

Visa Waiver Program Extensions (“Satisfactory Departure”)

Foreign nationals admitted under the VWP/ESTA authorization who, due to COVID-19 related issues, find themselves unable to depart the United States before the end of their current period of admission may be eligible for an extension of their stay. Normally, VWP visitors are admitted to the United States for 90 days, without a possibility to change or extend their immigration status. However, pursuant to federal regulations, if an emergency prevents a VWP visitor from departing the United States within the period of authorized stay, a period of Satisfactory Departure may be granted not to exceed 30 days—provided that the request is made during the period of admission and the individual is still in status at the time of the request. If the individual then departs the United States within the period of approved Satisfactory Departure, the individual is regarded as having made a timely departure without overstaying the allowed time.

Requests for Satisfactory Departure are generally adjudicated by the U.S. Citizenship and Immigration Services (USCIS) at an in-person appointment. However, USCIS Field Offices have closed until at least April 1, according to the agency’s [announcement](#). All in-person appointments have been cancelled and will be rescheduled. (Note that the closures do not yet affect USCIS Service Centers, which process most immigration petitions and applications submitted to USCIS by mail.)

In extraordinary circumstances, U.S. Customs and Border Protection (CBP) may adjudicate requests for Satisfactory Departure. Some individuals admitted under the VWP may be stranded at U.S. airports due to canceled flights. Where appropriate, CBP has the authority to grant Satisfactory Departure if the individual is awaiting a canceled flight and the period of VWP admission is expiring prior to the traveler’s ability to depart.

Extensions for Stranded VWP Travelers Only Available at JFK Airport

As of the time of this alert, only individuals who were admitted to the United States through John F. Kennedy International Airport, NY (JFK) and Newark Liberty International Airport, NJ can [contact the CBP Deferred Inspections office at JFK](#) and request Satisfactory Departure for up to 30 days. Individuals and their attorneys are permitted to request Satisfactory Departure if the individual’s period of stay will expire in 14 days or less from the day he or she contacts JFK Deferred Inspections. If their period of VWP/ESTA admission has expired, the decision to grant satisfactory will be considered on a case-by-case basis.

CBP is aware of the situation nationwide but has not announced whether it intends to expand the issuance of Satisfactory Departure to other ports of entry and, if so, to which ports.

Impact and Analysis

While these developments affect all U.S. businesses, they will be particularly impactful for business sectors that typically have a significant number of foreign nationals in their workforce, such as investment funds, IT businesses, and consulting companies.

All travelers to and from the United States, whether citizens, legal permanent residents, or otherwise, should monitor the situation and available information closely and reevaluate their international travel plans. The impact of the global coronavirus pandemic is causing the situation to develop rapidly, and travelers should stay abreast of relevant developments to the extent possible.

Individuals in the United States under the VWP that had intended to travel out of the United States prior to the end of their admission period, but who are now unable to do so due to travel restrictions implemented in their destination country due to COVID-19, should apply for Satisfactory Departure, to receive an 30 additional days to leave the United States without overstaying their ESTA approvals.

The State Department provides [general COVID-19 travel information](#), as well as [country-specific COVID-19 guidance](#), on its website. Nongovernmental organizations have also published a list of countries with travel restrictions, such as the [list maintained by the New York Times](#). U.S. travelers at home and abroad should review the State Department websites and other relevant resources before planning international travel.

For more resources, information, and analysis on how best to address legal issues presented by the spread of COVID-19 and the impacts it has had on global trade and immigration, visit Akin Gump's [COVID-19 Resource Center](#), or contact one of the attorneys below.

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