



Home for the Holidays?

Understanding and Navigating Current Travel Restrictions



Today's Presenters



Marc Topoleski
Managing Attorney
Ellis Porter US
marc.topoleski@ellisporter.com



Ashley Stearns
Vice Consul, Tech
The UK's DIT
Ashley.Stearns@mobile.trade.gov.uk



Arvinder Ubhi
Director
Ellis Porter UK
arvinder.ubhi@ellisporter.com



ABOUT US

ELLISPORTER

With over 65 immigration attorneys and professionals, Ellis Porter is one of the 15 largest immigration law firms in the US, and the 2nd largest US immigration firm with a UK presence.



Full-Service US Immigration Law Firm

Ellis Porter provides a comprehensive list of US immigration legal services for companies, investors and individuals.



US Offices

Ellis Porter has three US offices in **Metro Detroit (Troy), MI, Ann Arbor, MI** and **Chicago, IL**



UK Office

Ellis Porter's UK office is located in **London**

Strategic Immigration & Global Mobility Services



Our strategic US Immigration and global mobility services for UK companies include:

- ✓ Establishing New US Offices and Staffing with Key Personnel
- ✓ Immigration Regulatory Compliance for Employers and Employees
- ✓ Managing the Immigration Impacts of Direct Investment and Venture Capital Investment
- ✓ Managing the Immigration Impacts of Mergers and Acquisitions
- ✓ Global Mobility and International Tax Strategy Coordination



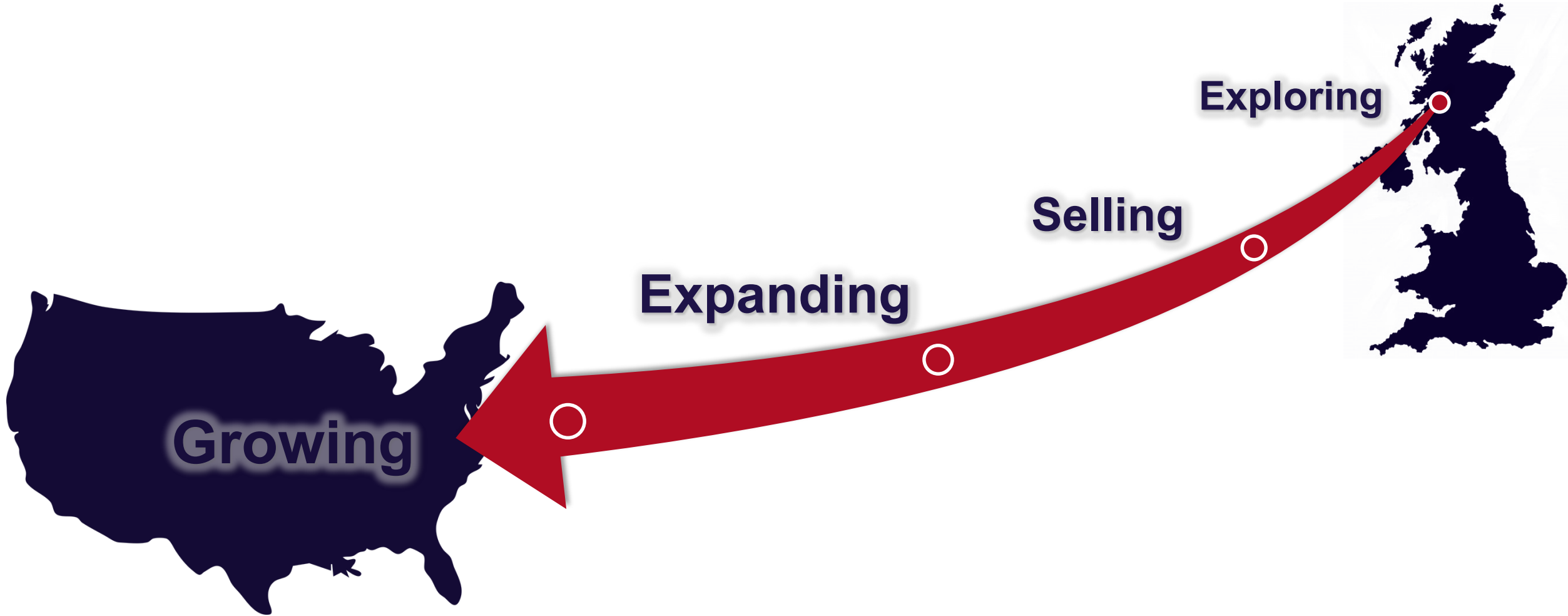
ABOUT US

The UK's DIT



Department for
International Trade

How DIT USA supports UK companies



How DIT USA supports UK companies

Exploring:

- Connection to UK ITA
- Market research
- Client location analysis
- Leads list & cold emailing services (managed by outsourced partner)

Selling:

- Overview of local ecosystem
- Guidance on product market fit & US pitch
- Network/Partner Introductions
- Client Matchmaking
- VC Matchmaking
- Inclusion in trade missions

Expanding & Growing:

- Assistance on US launch and scaling across US
- Connection to local service providers
- Amplification of success stories
- Use of Consulate & Residence event spaces
- Membership in GBBC (NYC)
- Continued selling support

Travel Limitations and Exceptions

Current US Immigration Restrictions & Exceptions: Travel Limitations



Blanket restrictions on travel from the UK (Valid indefinitely)

Presidential proclamations that remain in effect prevent foreign nationals from entering the US if they have been in one of the following countries 14 days prior to their attempted entry: *China, Iran, the Schengen Countries, UK, Ireland, or Brazil*

However:

- Preliminary travel to a non-listed country is also a strategy
- ***Employers can apply for a National Interest Exception (NIE) to allow their foreign national employee to enter the US despite the restrictions***
- Does not apply to US citizens and green card holders

Travel Limitations and Exceptions

Current US Immigration Restrictions & Exceptions: Travel Limitations



National Interest Exceptions (NIE) are available for individuals traveling from the UK

- Available only for business travelers, investors, treaty traders, academics and students traveling from the Schengen countries, **UK** and Ireland (not China, Iran or Brazil)
- Must contact the U.S. Consulate to apply for NIE (except F-1 students)
- Must demonstrate that proposed travel will provide a significant economic or public health benefit to the U.S.



Visa
Limitations
and Exceptions

Current US Immigration Restrictions & Exceptions: Visa Limitations

Nonimmigrant Visa Suspension – Issued 22 June 2020

- Only suspends the issuance of new L-1, H-1B, H-2B and some J-1 work visas (also dependents)
- ***Visa categories not affected: B-1, E-1, E-2, E-3, O-1, TN and F-1 (including CPT/OPT)***
- Individuals already possessing valid visas, or who were in US on June 24, are not affected
- National Interest Exceptions (NIE) can be requested
- ***Currently in effect until Dec. 31***



Consular
Service
Limitations

Current US Immigration Restrictions: Consular Limitations

US Consulate Closures and Limited Visa Services

- Routine visa services at U.S. Consulates worldwide were suspended in March, except for emergency visa appointments
- DOS has recently implemented a phased-in, post-by-post resumption of routine visa services
- ***Routine visa operations at the US Consulate in London have partially resumed***
- Even as visa services resume at US Consulates, expect significant appointment delays



NIE
Experience

National Interest Exceptions: Travel Ban

NIE for the Travel Ban

- On average one-week processing time
- Only valid for one-time entry and must travel must occur within 30 days of approval
- Case Studies include: Head of Operations for creative design company; specialized technicians installing equipment; and senior management traveling for business meetings.

ellisporter.com

ELLISPORTER
THE IMMIGRATION ATTORNEYS



NIE
Experience

National Interest Exceptions: Visa Ban

NIE for the Visa Ban

- Prepare application before requesting an appointment
- Individual must request an emergency appointment with the US Embassy or Consulate and be prepared to explain with evidence how they meet the NIE requirements
- Case studies include: Senior Management & Executives applying to transfer to the US; and creative designers for health and wellness products

ellisporter.com

ELLISPORTER
THE IMMIGRATION ATTORNEYS



Travel Scenarios

Travel Scenario #1

You are a UK citizen currently in the US with unexpired visa and you are considering travel to UK for holidays.

- Upon return to the UK, you will trigger the Travel Ban
- Visa Ban does not apply
- Before you can return to the US, you must either:
 - Obtain a Travel Ban NIE; or
 - Travel to a country not included on the Travel Ban list for 15 days prior to entering the US
- You must return to the US within 30 days of receiving NIE



Travel Scenarios

Travel Scenario #2

You are a UK citizen currently in the US with an expired L-1 or H-1B visa and you are considering travel to UK for holidays.

- Upon return to the UK, you will trigger the Travel Ban
- Since you will need to renew your visa to return to the US, the Visa Ban could also apply (unless you return to the US after Dec. 31 - maybe)
- Before you can return to the US, you must:
 - Obtain a Visa Ban NIE and Travel Ban NIE; and
 - Secure a visa appointment at US Consulate in London (delays likely, unless an emergency appointment can be obtained)

A night-time photograph of the Statue of Liberty in New York City, illuminated against a dark sky. The statue is the central focus, with city lights visible in the background and foreground.

Travel Scenarios

Travel Scenario #3

You are a UK citizen currently in the US with an expired E-1, E-2 or O-1 visa and you are considering travel to UK for holidays.

- Upon return to the UK, you will trigger the Travel Ban
- Although you will need to renew your visa to return to the US, the Visa Ban does not apply to you because of your visa type
- Before you can return to the US, you must:
 - Obtain a Travel Ban NIE; and
 - Secure a visa appointment at US Consulate in London (delays likely, unless an emergency appointment can be obtained)
- You must return to the US within 30 days of receiving NIE



2021
Outlook

A Look Forward to 2021

Status of U.S. Visa and Travel Bans:

- Visa ban set to expire on December 31, 2020. Could be renewed by current administration. Could be rescinded or modified by new administration.
- Travel ban has no expiration date. Could be rescinded or modified by new administration.

Other Possible Changes

- Immediate: New Immigration Executive Orders
- Gradual:
 - More favorable adjudication trends
 - Possible expansion of existing employment-based immigration categories and/or creation of new categories
 - Consular service times continue to improve



2021 Outlook

A Look Forward to 2021

Also on the 2021 Horizon: H-1B Cap FY2022

- Pre-registration - expected to open on March 01, 2021 through to late March 2021.
- 90 days to file full H-1B petition if selected

Considering US Expansion and/or Travel in 2021?

Plan ahead and start early

- Despite travel restrictions currently in place, visa applications in most categories can be started now to lay the groundwork for Q1 or Q2 2021 work visa and travel plans



Questions & Answers

ELLISPORTER
THE IMMIGRATION ATTORNEYS



Department for
International Trade

Thank you for attending

ellisporter.com