Tuesday, June 23, 2020

At 11:01 am Eastern on Wednesday, June 24, 2020, the United States will suspend entry of certain nonimmigrants pursuant to Presidential Proclamation. The suspension will last until December 31, 2020, but may be continued or modified. The previous Presidential Proclamation barring certain immigrants from entering the U.S. is extended through the end of the calendar year.

Q. Who is newly impacted?

A. Those nonimmigrants who, as of the effective date of the Proclamation:
   - are outside the United States;
   - do not have a valid H-1B, H-2B, J-1*, or L-1 nonimmigrant visa;
• are family members accompanying or following to join the principal visa holder; and
• do not have an official travel document (such as a transportation letter, an appropriate boarding foil, or an advance parole document) that permits travel to the United States.

* Restricted J-1 visas include interns, trainees, teachers, camp counselors, au pairs, and summer work travel program participants.

Q. Who is not impacted under the new Proclamation?

A. The following foreign nationals are not subject to the new Proclamation:

• any US lawful permanent resident (green card holder);
• any foreign national who is the spouse of a US citizen;
• any foreign national under 21 years old and the child of a US citizen;
• any foreign national seeking to enter the United States to provide temporary labor or services essential to the United States food supply chain; and
• any foreign national whose entry would be in the national interest** as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees.

** Foreign nationals covered by the National Interest exception are defined as those who: are critical to the defense, law enforcement, diplomacy, or national security of the United States; are involved with the provision of medical care to individuals who have contracted COVID-19 and are currently hospitalized; are involved with the provision of medical research at United States facilities to help the United States combat COVID-19; or are necessary to facilitate the immediate and continued economic recovery of the United States.

The Proclamation requires the Secretaries of the Department of Homeland Security and Department of Labor to consider promulgating regulations or taking other action to ensure US workers are not disadvantaged by those foreign nationals who have acquired or who are seeking EB-2 or EB-3 immigrant visa or H-1B nonimmigrant visa classification.

A complete copy of the Proclamation is available here.

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