

Publications

Immigration Alert: Presidential Proclamation Suspends Entry of Certain Nonimmigrants, Extends Suspension of Immigrants, Through December 31, 2020

Related Professionals

David W. Cook

Robert A. Harris

Sachiyo Isoda Peterson

Related Services

Corporate and Business Organizations

Labor and Employment

CLIENT ALERT | 6.23.2020

On June 22, 2020, President Trump signed a Presidential Proclamation suspending the entry of certain nonimmigrant visa holders **from June 24, 2020 to December 31, 2020**. The visa categories affected include **H-1B, H-2B, J-1, L-1, and their dependents**. The new proclamation only affects individuals seeking to enter the U.S. in one of these nonimmigrant visa categories on or after the effective date. It does **not** affect the ability of individuals who are already in the U.S. to extend or change their nonimmigrant status from within the U.S. The new proclamation also extends through December 31, 2020, an earlier proclamation suspending the entry of certain immigrants seeking to enter the U.S. as new permanent residents. Click [here](#) for our client alert on the earlier proclamation.

The June 22, 2020 proclamation suspends the entry of individuals who seek to enter the U.S. after June 24, 2020 who meet **all** of the following conditions:

- They are outside of the U.S. on June 24, 2020;
- They do not have a nonimmigrant visa that is valid on June 24, 2020;
- They do not have an official travel document other than a visa (such as a transportation letter, boarding foil, or advance parole document) that is valid on June 24, 2020 or issued thereafter that permits travel to the U.S.; **and**
- They are seeking to enter the U.S. with one of the following types of visas:
 - **H-1B, H-2B**, or dependent (**H-4**) visa;
 - **J-1** or dependent (**J-2**) visa^[1]; and
 - **L-1** or dependent (**L-2**) visa.

The proclamation does **not** prevent a person who is already in the U.S. on June 24, 2020 in one of the affected visa statuses from extending their status or changing their status. Nonimmigrants who are in the U.S. on June 24, 2020 may file to extend or change their status

according to existing laws and regulations. The proclamation also does not apply to individuals who already have a visa in their passport that is valid on June 24, 2020, even if they are outside of the U.S. in one of the affected visa categories.

The Proclamation **does not** apply to the following individuals:

- Any U.S. Lawful Permanent Resident (“Green Card” holder);
- Any foreign national who is the spouse or unmarried child (under the age of 21) of a U.S. citizen;
- Any foreign national who is seeking to enter the U.S. to provide temporary labor or services essential to the U.S. food supply chain; and
- Any foreign national whose entry would be in the “national interest” as determined by the Secretary of State, Secretary of Homeland Security, or their respective designees.

The Secretary of State, Secretary of Labor, and Secretary of Homeland Security have been directed to establish standards to define what constitutes an entry that would be “in the national interest,” including those that 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; are involved with the provision of medical research at U.S. facilities to help combat COVID-19; or are necessary to “facilitate the immediate and continued economic recovery of the United States.”

The proclamation also instructs the Secretary of Labor, Secretary of Homeland Security, and others to consider further measures that will ensure that H-1B visa holders and beneficiaries of EB-2 and EB-3 immigrant visa petitions do not disadvantage U.S. workers.

If you have any questions regarding the Presidential Proclamation, we encourage you to contact your Vorys attorney.

--

VORYS COVID-19 TASK FORCE

Vorys attorneys and professionals are counseling our clients in the myriad issues related to the coronavirus (COVID-19) outbreak. We have also established a comprehensive Coronavirus Task Force, which includes attorneys with deep experience in the niche disciplines that we have been and expect to continue receiving questions regarding coronavirus. Learn more and see the latest updates from the task force at vorys.com/coronavirus.

--

[1] Only J-1 visa beneficiaries (and their dependents) participating in an intern, trainee, teacher, camp counselor, au pair, or summer work travel program are affected by this proclamation.