

U.S. Restricts Entry of Chinese Students and Researchers

Article By:

Sari M. Long

On May 29, 2020, President Trump issued an executive order suspending the admission of Chinese nationals seeking entry to the U.S. with F-1 or J-1 visas if those visa holders have been affiliated with certain institutions tied to the Chinese military.

According to the [order](#), Chinese authorities “use some Chinese students, mostly post-graduate students and post-doctorate researchers, to operate as non-traditional collectors of intellectual property,” which threatens U.S. “economic vitality and the safety and security of the American people.”

The order, which went into effect June 1, 2020 at 12:00 p.m. eastern daylight time, focuses primarily on the entry of Chinese nationals with J-1 or F-1 visas, meaning individuals not currently in the U.S. The order gives discretion to the Secretary of State and the Secretary of Homeland Security to implement the order. This affects Chinese nationals who receive **funding** from, are now or were previously **employed by**, currently **study** or previously studied at, or currently **conduct research** at or on behalf of or previously conducted research at or on behalf of an institution that supports China’s “military-civil fusion strategy” who a) are seeking to apply at a U.S. embassy or consulate for an F-1 or J-1 visa stamp, or b) already have a valid F-1 or J-1 visa stamp, are outside the U.S., and are seeking to enter the U.S. with that visa.

This new order does not apply to the following classes of individuals:

- Chinese national students seeking to pursue undergraduate study in the U.S.
- any lawful permanent resident of the United States.
- any alien who is the spouse of a U.S. citizen or lawful permanent resident.
- any alien who is a member of the United States Armed Forces and any alien who is a spouse or child of a member of the United States Armed Forces.
- any alien whose travel falls within the scope of section 11 of the United Nations Headquarters Agreement or who would otherwise be allowed entry into the United States pursuant to United States obligations under applicable international agreements.

- any alien who is studying or conducting research in a field involving information that would not contribute to the PRC's military-civil fusion strategy, as determined by the Secretary of State and the Secretary of Homeland Security, in consultation with the appropriate executive departments and agencies (agencies).
- any alien whose entry would further important United States law enforcement objectives, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees, based on a recommendation of the Attorney General or his designee.
- any alien whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees.

The order does not provide a list of the institutions in China that the U.S. believes implement or support the Chinese government's "military-civil fusion strategy." However, the State Department posted an [article](#) from earlier this year regarding the threat of China's military-civil fusion strategy that links to an [Australian tool](#) that allows users to "explore the military and security links of China's universities."

The order also does not explicitly mention a direct impact on Chinese nationals already in the U.S. on F-1 or J-1 visas who were previously affiliated with such institutions, but instead indicates that "The Secretary of State shall consider, in the Secretary's discretion, whether nationals of the PRC currently in the United States pursuant to F or J visas and who otherwise meet the criteria described in section 1 of this proclamation should have their visas revoked."

Visa revocation does not necessarily indicate a loss of status but Chinese nationals who are currently in the U.S. in F-1 or J-1 status and believe that a prior affiliation with a Chinese institution could fall within the scope of this order should consult with an immigration attorney before traveling internationally.

For Chinese nationals seeking U.S. visas, not only will F-1 and J-1 visas be difficult, if not impossible, to secure, long wait times, administrative processing, increased possibility of visa denial, and additional scrutiny at the border should be expected for all those seeking admission to the U.S. on both nonimmigrant and immigrant visas.

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