

Presidential Proclamation Suspending Entry of Some Employment-based Nonimmigrant Visa Categories Through December 31, 2020

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On June 22, 2020, President Trump issued a [Presidential Proclamation](#) extending the duration of the bar on immigrant visas through December 31, 2020 and creating a new temporary suspension of entry for foreign nationals attempting to enter the U.S. in the following employment-based, nonimmigrant visa categories: H-1B [specialty occupation], H-2B [temporary non-agricultural workers], L-1 [intracompany transferees], and J [exchange visitors]. The Presidential Proclamation will go into effect at 12:01 A.M. eastern daylight time on June 24, 2020 and be in force through December 31, 2020, with the potential for extensions thereafter.

Who is covered by the suspension of entry?

The Presidential Proclamation only covers a foreign national who meets all of the following three requirements:

1. **Outside the U.S. on the effective date** of the Presidential Proclamation [June 24, 2020];
2. **Does not have a nonimmigrant visa valid on the effective date** of the Presidential Proclamation; **AND**
3. **Does not have an official travel documents other than a visa** [i.e. transportation letter, boarding foil, or advance parole document] that is valid on the effective date of the Presidential Proclamation or issued on any date thereafter that permits him/her to travel to the U.S. and seek admission.

Please note that the Presidential Proclamation does not apply to a foreign national who is already in U.S. soil. As such, employers may be able to file extension petitions with U.S. Citizenship & Immigration Services for employees who are in the U.S. in lawful nonimmigrant status.

What nonimmigrant visa categories are included in the Presidential

Proclamation? What is the immediate impact of the suspension of entry?

Foreign nationals in the following nonimmigrant visa categories, along with dependent family members accompanying or following to join them in the U.S., are now barred from receiving initial visas and entering the U.S.:

- **H-1B [specialty occupation]** and **H-2B [temporary non-agricultural workers]**, including any qualifying foreign national accompanying or following to join them in the U.S.
- **J [exchange visitors]** in the following programs: “intern, trainee, teacher, camp counselor, au pair, or summer work travel,” including any qualifying foreign national accompanying or following to join them in the U.S.
- **L-1 [intracompany transferees]**, including any qualifying foreign national accompanying or following to join them in the U.S.

In practical terms, the latest Presidential Proclamation is largely symbolic due to the restrictions already in effect on lawful immigration as a consequence of the COVID-19 pandemic. By way of example, previous executive orders [i.e. [Proclamation 9984](#), [Proclamation 9992](#), [Proclamation 9993](#), etc.] suspended entry of certain immigrant and nonimmigrant foreign nationals who were physically present within China, Iran, Schengen Countries, UK, and Ireland, 14 days prior to their entry into the U.S. Equally important, President Trump has [indefinitely suspended](#) all routine immigrant and nonimmigrant visa services at all U.S. Embassies and U.S. Consulates. The U.S. borders with Canada and Mexico are also closed for non-essential travel until at least July 21, 2020.

Who is exempt from the Presidential Proclamation?

The Presidential Proclamation explicitly exempts the following individuals. Please note that Consular Officers should determine, in their discretion, whether a foreign national is exempted from the provisions of the Presidential Proclamation:

- Any **U.S. lawful permanent residents**;
- Any foreign national who is the **spouse or child of a U.S. citizen**;
- Any foreign national seeking to enter the U.S. for “**temporary labor or services essential to the United States food supply chain**” and
- Any foreign national whose entry would be in “**the national interest.**”

The Presidential Proclamation authorizes the Secretaries of State, Labor, and Homeland Security to define who falls under the “national interest” exception and states that any such standards should include foreign nationals who are: 1) “critical to the defense, law enforcement, diplomacy, or national security” of the U.S.; 2) provide medical care to hospitalized COVID-19 patients; 3) provide COVID-19 medical research in the U.S.; or 4) are “necessary to facilitate the immediate and continued economic recovery of the United States.”

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