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US IMMIGRATION & NATIONALITY LAW

PROCLAMATION SUSPENDING NONIMMIGRANT ENTRIES

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On June 22, 2020, President Trump signed a Presidential Proclamation further restricting immigration into the United States. The new proclamation is an extension of the previous proclamation issued on April 22, 2020 that suspends certain green card applications and limits highly skilled workers and several nonimmigrant visa categories.

When Does the Proclamation Go into Effect and End?

The proclamation is effective June 24, 2020 and expires on December 31, 2020. The proclamation may be modified during this period as deemed necessary.

Who is Impacted?

Foreign nationals who were outside the United States on the effective date of the proclamation (June 24, 2020), do not have a nonimmigrant visa or other official immigration document (such as a transportation letter, an appropriate boarding foil, or an advance parole document) that is valid on that date, and are seeking to obtain an H-1B visa, H-2B visa, L visa or certain categories of the J visa are barred. Additionally, accompanying dependents seeking to obtain H-4, L-2, or J-2 visas who were outside the U.S. on the effective date are also barred. However, if the principal H-1B, H-2B, J-1, or L-1 beneficiary is already in the United States, or otherwise exempt (see below), it is unclear at this time whether this bar will apply to dependents who will subsequently apply for H-4, L-2, or J-2 visas at the U.S. Consulate.

Who is Exempt?

The proclamation does not apply to:

- Anyone who is inside the United States on June 24, 2020;
- Individuals who are outside the United States and have a nonimmigrant visa or other official immigration document (such as a transportation letter, an appropriate boarding foil, or an advance parole document) that is valid on June 24, 2020;
- Lawful permanent residents of the United States (green card holders);
- Spouses and children of U.S. citizens;
- Individuals seeking to enter the United States to provide temporary labor or essential to the United States food supply chain; and
- Anyone whose entry would be in the national interest as determined by the Departments of Homeland Security and State.

Further Clarification

The proclamation does not preclude processing of requests for extensions or changes of nonimmigrant status. It also does not preclude processing of applications associated with permanent residency, such as labor certifications, I-140 immigrant visa petitions, or I-485 adjustment of status applications.

Additional Guidance

The American Immigration Lawyers Association and the American Immigration Council have prepared a summary of the Presidential Proclamation that you may wish to consult for additional information.