



Immigration Practice Group

Proclamation Suspends Some Nonimmigrant Work Visa Entries and Extends Suspension of Immigrant Visa Entries

Syracuse ♦ Ithaca ♦ New York City

June 2020

A Presidential Proclamation was issued June 22, 2020, that extends the suspension on some immigrant visa entries and also suspends new entries for some individuals seeking L-1, H-1B, H-2B, or J-1 nonimmigrant work visas. The proclamation goes into effect at midnight (Eastern Time) on June 24, 2020 and will last through December 31, 2020.

The effect of this proclamation on **nonimmigrants** is that some people who are outside the U.S. waiting for an L-1, H-1B, H-2B, or J-1 work visa may not be able to enter the U.S. through the end of 2020.

For people seeking an **immigrant visa**, this proclamation extends the prior proclamation of April 22, 2020 that suspended entry of certain immigrant visa holders through December 31, 2020.

The following provides a detailed summary of both the nonimmigrant work visa suspension and the immigrant visa entry extension.

Nonimmigrant Work Visa Entry Suspensions

Visas Included: The proclamation suspends entries for the following nonimmigrants:

- H-1B and H-2B visas, and those accompanying or following to join;
- J-1 visas for intern, trainee, teacher, camp counselor, au pair, or summer work and travel programs, and those accompanying or following to join; and
- L-1 visas, and those accompanying or following to join.

Scope: The suspension of entry only applies if all of the following are true for the individual wanting to enter the U.S. on one of the above-referenced visas:

1. You are outside of the U.S. as of June 24, 2020;
2. You do not already have a valid nonimmigrant work visa on June 24, 2020; and
3. You do not have an official travel document valid on June 24, 2020 or issued after that date that allows you to seek entry into the U.S.

This means that individuals who already have a valid nonimmigrant work visa can continue to use that visa. It also means that some Canadians, who are visa exempt, may be able to travel into the U.S. with an I-797 issued after June 24, 2020. However, individuals who do not already have their H-1B, H-2B, L-1, or the applicable J-1 visas before June 24, 2020 will not be able to enter the U.S. on those visas for the rest of 2020 unless they fall into an exception.

Exceptions: The entry ban does not apply to the following individuals:

- Lawful permanent residents (LPR), also known as green card holders;
- Spouses and children of U.S. citizens;
- People providing temporary labor or services essential to the food supply chain; and
- People whose entry would be in the national interest, as decided by the Department of State or Department of Homeland Security.

The consular office will have the discretion to decide whether one of the four exceptions applies to that person. While the relevant government agencies will be developing standards for determining the national interest exception, the proclamation gives clear instruction that those people involved in medical care or medical research for COVID-19 should be considered as being in the national interest.

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Extension of Immigrant Visa Entry Suspension

The continuing suspension of immigrant visa entries applies to individuals who:

- were outside the U.S. as of April 23, 2020;
- do not already have an immigrant visa as of April 23, 2020; and
- do not have some other form or permission to seek entry into the U.S.

However, the following individuals are specifically **exempted** from the extended suspension:

1. Lawful permanent residents (LPR), also known as green card holders;
2. Individuals, and their spouses or children, seeking to enter the U.S. on an immigrant visa as a physician, nurse, or other healthcare professional to perform work essential to combatting, recovering from, or otherwise alleviating the effects of the COVID-19 outbreak (as determined by the relevant government agency);
3. Individuals applying for an EB-5 immigrant investor visa;
4. Spouses of U.S. citizens;
5. Children of U.S. citizens under the age of 21 and prospective adoptees;
6. Individuals who would further important U.S. law enforcement objectives (as determined by the relevant government agency);
7. Members of the U.S. Armed Forces and their spouses and children;
8. Individuals, and their spouses or children, eligible for Special Immigrant Visas as an Afghan or Iraqi translator/interpreter or U.S. Government Employee (SI or SQ classification); and
9. Individuals whose entry would be in the national interest (as determined by the relevant government agency).

Those impacted by this part of the extended suspension may include: spouses and children of legal permanent residents; siblings and parents of U.S. citizens; individuals eligible for immigrant visas based on religious worker status; and individuals who are eligible for an immigrant visa based on employment in the U.S.

Other Questions

Q. How long will these suspensions last?

A. The suspension on entries is through December 31, 2020. It is possible that the suspensions could be renewed for a further period of time.

Q. Does this suspension apply to me if I already have a nonimmigrant visa, such as an F-1, H-1B or B1/B2?

A. No. This proclamation does not include individuals who already have a valid nonimmigrant visa. At the moment, individuals who have a nonimmigrant visa may not be able to enter the U.S. due to specific coronavirus-related travel restrictions.

Q. Does this impact individuals applying for a green card through adjustment from inside the U.S.?

A. No. The immigrant visa suspension applies only to those people seeking immigrant visas who were outside the United States on April 23, 2020. At this time, USCIS is still accepting and processing adjustment of status applications from eligible individuals within the U.S.

Q. Does this apply to me if I have an I-130 Petition pending for a family member?

A. No. This proclamation does not impact USCIS's ability to accept and process I-130 Petitions.

It is important to keep in mind that the procedures are constantly changing, and our immigration group is closely monitoring the developments on these issues. For questions and/or additional information, please contact:

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