



## Presidential Proclamation Suspending the Entry of Certain Immigrants into the United States – What You Should Know

**This bulletin is current as of June 26, 2020.**

**Please refer to our website for subsequent updates to these new rules.**

On April 22, 2020, President Trump issued a proclamation suspending the entry of any individual seeking to enter the United States as an **immigrant** who:

- Was outside the United States on the effective date of the proclamation;
- Did not have a valid immigrant visa as of April 23, 2020; **AND**
- Did not have a valid official travel document as of April 23, 2020, or issued on any date thereafter.

**This proclamation went into effect at 11:59 pm (ET) on April 23, 2020, and was initially valid for 60 days. As of June 24, 2020, this proclamation was extended to December 31, 2020, and has been modified to include certain nonimmigrant categories.** The immigrant and non-immigrant categories covered by these two proclamations are described below.

### **April 22, 2020, Immigrant Visa Ban - Which Visas are Subject to the Ban?**

- Immigrant visas for parents, adult sons and daughters, and siblings of U.S. citizens;
- Immigrant visas for spouses and children of lawful permanent residents;
- Immigrant visas under the diversity visa lottery; and
- Immigrant visas in the employment-based categories.

### **April 22, 2020, Immigrant Visa Ban - Who is Exempt from the Ban?**

- Green card holders;
- Spouses and unmarried children of U.S. citizens;
- Members of the U.S. Armed Forces and their spouses and children;
- Persons applying for green cards under the EB-5 investor program;
- Persons who would further important U.S. law enforcement objectives;
- Persons whose entry would be in the national interest;
- Persons who qualify for special immigrant visas as Afghan/Iraqi translators/interpreters or U.S. government employees; and
- A person seeking an immigrant visa as a physician, nurse, or other healthcare professional; to perform research intended to combat the spread of COVID-19; or to perform work essential to combatting, recovering from, or otherwise alleviating the effects of the COVID-19 outbreak.

### **Original Visa Ban Expanded on June 24, 2020, to Include**

- H-1B Visas for Professionals and Others;
- H-2B Visas for Temporary Non-Agricultural Workers;
- L-1A Visas for Intracompany Managers and Executives;
- L-1B Visas for Intracompany Transferees with Specialized Knowledge;
- Certain J-1 Exchange Visitors - Interns, trainees, teachers, camp counselors, au pairs and summer work travel participants; and
- Spouses and unmarried children of persons in the above categories who are "accompanying or following to join" the principal in the U.S.

## Who is Exempt from the Expanded Visa Ban?

- Lawful Permanent Residents - Green card holders;
- Spouses and unmarried, minor children of U.S. citizens;
- Foreign nationals present in the U.S. on June 24, 2020;
- Foreign nationals abroad who have valid visas, advance parole or other U.S. travel permits;
- Persons with J-1 status who are not in one of the banned categories as described above;
- Persons seeking to enter the U.S. to provide temporary labor or services essential to the U.S. food supply chain; and
- Persons whose entry would be in the national interest as determined by the Secretary of State, the Secretary of the Department of Homeland Security, or their respective designees. This includes persons who are critical to the defense, law enforcement, diplomacy, or national security of the U.S.; are involved with the provision of medical care to individuals who have contracted COVID-19 and are currently hospitalized; 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 U.S.

## Asylum Seekers Are NOT Prohibited from Coming to the U.S. by the Proclamation

### Additional Considerations

- Routine visa services at all U.S. embassies and consular posts around the world have been suspended as of March 20, 2020. U.S. embassies and consulates continue to provide urgent and emergency visa services as resources allow. The Department of State intends to continue to process visa applications for farm workers and medical professionals assisting with COVID-19.
- U.S. Citizenship and Immigration Services (USCIS) had temporarily suspended in-person services through May 2020 but has since begun limited in-person and virtual services on a limited basis. USCIS continues to accept and process applications and petitions, including applications requesting an extension or change of status.
- The U.S. borders with Canada and Mexico remain closed for non-essential travel at the present time.
- With some exceptions, the entry of individuals who were present in China, Iran, the Schengen Area, the U.K., and Ireland, during the 14-day period before their attempted entry into the United States has also been suspended.

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**speak with an immigration lawyer today.**