Proclamation Suspending Entry of Aliens Who Present a Risk to the U.S. Labor Market Following the Coronavirus Outbreak

July 3, 2020

On June 22, President Trump signed a Proclamation Suspending Entry of Aliens Who Present a Risk to the U.S. Labor Market Following the Coronavirus Outbreak. The Proclamation takes effect on June 24, 2020 at 12:01am and will remain in effect through December 31, 2020 (and may be continued or modified as necessary.)

The Proclamation "suspends the entry into the United States" of individuals who do not yet have a valid visa stamp and who are seeking entry in the following non-immigrant classifications:

- H-1B or H-2B visas and any accompanying dependents
- Certain J visas (and any accompanying dependents), including those participating in intern trainee, teacher, camp counselor, au pair or summer work travel programs. It does NOT include J-1 students, research scholars, professors, short-term scholars, student interns or ECFMG alien physician categories.
- L- visas and any accompanying dependents

The Proclamation does not include:

- H-1B employees currently in the U.S. (Consult with OISS if you have international travel plans)
- H-1 B employees outside the U.S. with a valid H-1B visa stamp
- H-1B employees seeking to obtain a new H-1B visa who are involved in COVID-19 research or in the provision of medical care for COVID-19 patients. However, the process to request and be approved for an exemption has yet to be tested.
- J-1 Exchange Visitors (and accompanying dependents) in the following categories: research scholar, professor, short term scholar, student intern or student. If you are in the U.S. you can extend your J-1 stay if you meet all other requirements. If you are not in the U.S. this proclamation does not prevent you from applying for a J-1 visa once the U.S. consulates re-open.
- Any immigration application or procedure inside the U.S. adjudicated by the United States Citizenship and Immigration Service (USCIS), such a change of status to H-1B, an extension of H-1B status or an application for OPT.

Update June 24, 2020: According to immigration experts with both NAFSA: Association of International Educators, and the American Immigration Lawyers Association there are two other exemptions:

- Those who had a valid U.S. visa in their passport on June 24th when the proclamation took effect, no matter whether they were inside the U.S. or not (see NAFSA Note after Section 3)
- Canadian citizens, since they are not required to have a visa (this includes Canadian’s entering the U.S. in H-1B status) may also be found to be exempt, however we have no government guidance yet.
F-1 Students and F-1 OPT

The proclamation does not include new restrictions for international students or international students on OPT.

U.S. Permanent Resident Status

- The June 22nd proclamation extends to December 31, 2020 the expiration date of the April 20, 2020 proclamation which suspended entry of certain new immigrants who do not already have an approved immigrant visa.
- Current U.S. permanent residents (green card holders) are not affected by the proclamation. In addition, the current proclamation does not impact a green card application in process.

Additional Measures

The proclamation asks government agencies “to take substantial measures” to ensure that those who have already been admitted, or are seeking admission, on an EB-2 immigrant visa, EB-3 immigrant visa, or H-1B nonimmigrant visa do not limit opportunity for U.S. workers.

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