

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

Summary:

On June 22, 2020, President Trump announced through a [Proclamation](#), further restrictions on new immigrants on employment-based visas. The new restrictions are set to last until the end of the year and expand on a previously issued Proclamation ([April 2020](#)) which put in place temporary immigration restrictions. According to the Trump Administration, the June 2020 Proclamation was issued in response to the ongoing pandemic and job losses experienced by Americans. The administration expects that this Proclamation will help reduce U.S. unemployment by an estimated 525,000 jobs.

There are exemptions for health care workers treating and researching COVID-19, as well as for those working in the food supply chain. The proclamation also directs the Departments of Homeland Security and Labor to consider additional action to ensure visas do not “disadvantage United States workers.”

The new restrictions will not apply to visa holders already in the U.S., or those outside the country who have already been issued a valid visa and have valid travel documentation.

The proclamation is effective June 24, 2020 and is valid through Dec. 31, 2020.

Impacted Populations:

The Proclamation suspends the issuance of visas to the following categories:

- H-1B and H-2B visa and anyone accompanying these individuals (usually on an H-4 visa which is also suspended);
 - *The H-1B visa is a non-immigrant visa that allows U.S. companies to employ highly skilled foreign workers.*
 - *The H-2B visa is a nonimmigrant visa that allows employers to hire foreign workers to come temporarily to the United States and perform nonagricultural services or labor on a seasonal or intermittent basis.*
 - *The H-4 visa is a nonimmigrant visa that allows immediate family members (spouse and unmarried dependents under 21 years of age) of the H-1B visa holder to enter the United States as well.*
- J visa in the following categories: Intern, Trainee, Teacher, Camp Counselor, Au Pair, or Summer Work, and anyone accompanying these individuals;
 - *The J visa is a nonimmigrant visa for individuals approved to participate in work-and study-based exchange visitor program.*
- L visa and anyone accompanying these individuals;

- *The L visa is a nonimmigrant visa which allows intracompany transferees who work in managerial or executive positions in a company that is located outside the United States.*

Populations NOT Impacted by the Proclamation:

- F-1 or J-1 student applicants, including the Optional Practical Training (OPT) and Science Technology Engineering and Math Optional Practical Training (STEM OPT) programs.
 - *The F-1 visa is a nonimmigrant visa which allows applicants to enter the United States as a full-time student at an accredited college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program.*
 - *The J visa is a nonimmigrant visa for individuals approved to participate in work-and study-based exchange visitor program.*
 - *It is our interpretation that the J-1 student intern category is NOT included, since it is a student category and different from the J-1 Intern category.*
- J-1 visa applicants in the Research Scholar, Short Term Scholar, and Specialist categories.
- Lawful permanent residents (green card holders).
- Individuals seeking to enter the U.S. to treat or research COVID-19, or whose jobs are “essential to combating, recovering from, or otherwise alleviating the effects of” COVID-19.
- Individuals seeking to enter the U.S. to provide temporary labor or essential services to the U.S. food supply chain.
- Individuals seeking to enter the U.S. whose entry is deemed “in the national interest.”