

Summary of the Presidential Proclamation Suspending Entry of Immigrants & Nonimmigrants Who Present Risk to the U.S. Labor Market During the Economic Recovery Following the 2019 Novel Coronavirus Outbreak

On June 20, 2020, President Trump issued a proclamation that suspends the entry of foreign nationals on certain employment-based nonimmigrant visas into the United States. This Proclamation also extends, effective immediately, Presidential Proclamation 10014 issued on April 22, 2020, which suspended the entry of certain immigrants into the United States.

The latest Proclamation is effective on *June 24, 2020, at 12:01 AM ET*. The proclamation will remain in effect through December 31, 2020, and may be continued or modified as necessary. Here is what you need to know about who is impacted by the proclamation:

SUSPENDS VISA ACCESS TO:

- H-1B visa and any foreign national accompanying or following to join them
- H-2B visa and any foreign national accompanying or following to join them
- J visa, to the extent the foreign national is participating in an intern, trainee, teacher, camp counselor, au pair, or summer work travel program, and any foreign national accompanying or following to join them
- L visa, and any foreign national accompanying or following to join them

APPLYS ONLY TO INDIVIDUALS WHO:

- Are outside the United States on the effective date of the Proclamation
- Do not have a nonimmigrant vis that is valid on the effective date of the Proclamation; *and*
- Do not have an official travel document other than a visa (such as a transportation letter, boarding foil, or advance parole document), valid on the effective date of the Proclamation or issued thereafter permitting the individual to be admitted to the United States

DOES NOT APPLY TO:

- A lawful, permanent resident
- A spouse or child of a U.S. citizen
- Any individual seeking entry to provide temporary labor essential to the U.S. food supply chain
- Any individual whose entry would be in the national interest as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees

Discretion: The consular/embassy officer has discretion to determine if an individual is within one of the exempted categories outlined above.

Important Reminders for H1B Applicants During the Proclamation Period



With respect to the Proclamation, keep in mind that a 'visa' is **NOT the same as an I-94 entry record**. The Proclamation applies to visas issued from U.S. consulates or embassies abroad.

It's also important to understand that you are an H1B/L1 candidate if you are outside the U.S., but already have a valid visa stamping; then, travel to U.S. is still allowed.

If you are outside the U.S., but do not have a visa stamp in your passport dated before June 24, 2020, then, travel will be restricted through December 2020. This rule may be modified at any time.

H1B and L1 status holders in the U.S. can continue to file an extension, unrelated to consular visa interviews. However, traveling outside the U.S. without a valid unexpired visa stamp in your passport is highly risky and may prevent your re-entry into the U.S. under the terms of this Proclamation.

KPPB LAW is uniquely positioned to assist with navigating H-1B visa issues. Our team has more than 20 years of experience helping companies with immigration related to H-1B visas as well as a full range of business immigration matters. For a diverse client experience, our attorneys speak Gujarati, Hindi, Bengali, Korean, Mandarin, Marathi, Punjabi, Spanish and Urdu. Our firm is certified as a Minority Business Enterprise by the National Minority Supplier Development Council (NMSDC).

To discuss your goals to pursue H-1B specialty occupation visas during the economic recovery due to COVID-19, contact Beeraj Patel, Immigration Attorney and Partner with KPPB LAW at 571.248.2566 or bpatel@kppblaw.com.

www.kppblaw.com

KPPB LAW is certified as a Minority Business Enterprise by the National Minority Supplier Development Council (NMSDC)



NAMWOLF