

How does President Trump's Proclamation Suspending Entry of Immigrants and Nonimmigrants affect you?

President Trump's [Proclamation Suspending Entry of Immigrants and Nonimmigrants](#) suspends the entry of foreign nationals until December 31, 2020*, on certain employment-based nonimmigrant visas into the U.S., and extends the previous Proclamation (issued on April 22, 2020), which suspended the entry of certain immigrants into the U.S.

Nonimmigrants

The Proclamation suspends the issuance of visas for those seeking entry pursuant to a(n):

- 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; and
- L visa, and any foreign national accompanying or following to join them.

The Proclamation will only apply to an individual identified above if they are:

- Outside the United States on the effective date of the Proclamation;
- Do not have a nonimmigrant visa 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.

The Proclamation will NOT apply to the following individuals:

- lawful permanent residents;
- spouses and children of U.S. citizens;
- any individuals seeking entry to provide temporary labor essential to the U.S. food supply chain; and
- any individual whose entry would be in the national interest of the U.S.

Those who are covered under the "national interest" exemption, including any individuals who:

- are critical to the defense, law enforcement, diplomacy, or national security of the United States;
- are involved with the provision of medical care to individuals who have contracted COVID-19 and are currently hospitalized;

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- are involved with the provision of medical research at U.S. facilities to help the United States combat COVID-19;
- are necessary to facilitate the immediate and continued economic recovery of the United States; or
- are children who would age out of eligibility for a visa because of this proclamation or Proclamation 10014.

Please note that this executive order does not affect nonimmigrant visa holders who are currently in the U.S. on H-1B, L or J visas, nor does it affect nonimmigrants from obtaining H-1B, H-2B or J status while in the U.S. via a petition submitted to USCIS. However, those who obtain H-1B, L or J status while in the U.S. will not be able to travel abroad until the order is lifted.

This executive order does not affect those who are outside the U.S. with valid H-1B, L or J visas and wish to enter the U.S. Those who are outside the U.S. will be allowed to enter the U.S. as long as their visa is valid at the time of re-entry.

Furthermore, the executive order does not affect those who are outside the U.S. seeking to enter on the following visas: B1/B2, E3, E1/E2, H1B1, H3, F1, F2, O1/O2/O3, P1, TN, etc., or the issuance of these nonimmigrant visas, the extension of such visa statuses or the change of status application to any of these statuses. If your questions about the Executive Order are about how it affects your nonimmigrant visa (i.e. one of the visas listed above) or your ability to get one of these nonimmigrant visas, or extend or change status from within the U.S. to one of these nonimmigrant statuses - the answer is that it does not affect you or your nonimmigrant visa. I know this will provide much relief for many clients who have emailed over the past 48 hours*.

Immigrants

The primary groups of immigrants who are affected by the extension of the previous Executive Order are those who were expecting a green card interview/consular processing of their green card outside the US. This includes green card interviews and immigrant visa issuance for the following:

- **employment based green card interviews/issuance outside the US** - We do not currently have any of our active clients in this situation, however if you are not our client and you find yourself in this situation, the effective meaning of this is that it's going to take more than 6 months to get that green card and/or to be able to enter the US if you receive your green card in the next 6 months while outside the US;
- **diversity visa/green card lottery interviews/issuance outside the US** - If you are a diversity visa/green card lottery selectee, and you were expecting to consular process/have your green card interview before September 30, 2020 (the date you must interview by in order to not miss out on

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the green card) then please contact us. If your case was filed as adjustment of status, then this should not affect you as you are inside the US; and

- **family based green card interviews/issuance outside the US for spouses and children of Green Card holders, parents and siblings and married children of US citizens** - If you find yourself in this situation, the effective meaning of this is that it's going to take more than 6 months to get that green card and/or to be able to enter the US if you receive your green card in the next 6 months while outside the US.

This executive order will NOT affect you if you are one of the following immigrants:

- (i) you already have a green card, or have filed for your green card and already have an advance parole document to enter the US with, or the immigrant visa sticker already in your passport as of the date of the order;
- (ii) you are seeking a green card to enter the US as a physician, nurse or other healthcare professional; to perform medical research or other research intended to combat the spread of COVID-19; or to perform work essential to combating, recovering from, or otherwise alleviating the effects of the COVID-19 outbreak. If you fall within this category, your spouse and unmarried children under 21 years old will also not be affected by this executive order;
- (iii) you are pursuing your green card under the EB-5 Immigrant Investor Program;
- (iv) you are pursuing your green card as the spouse of a United States citizen;
- (v) you are the child of a United States citizen who is under the age of 21 or you are a prospective adoptee seeking to enter the United States pursuant to the IR-4 or IH-4 visa classifications;
- (vi) you are seeking a green card to enter the US to assist United States law enforcement objectives, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees, based on a recommendation of the Attorney General or his designee;
- (vii) you are any member of the United States Armed Forces and any spouse or child of a member of the United States Armed Forces;
- (viii) you are seeking to enter the United States pursuant to a Special Immigrant Visa in the SI or SQ classification, subject to such conditions as the Secretary of State may impose, and any spouse and children of any such individual; or
- (ix) if your entry to the US as a green card holder would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees.

*Please note that while the Executive Order expires on December 31, 2020, it also contains a provision that allows for an extension of the Order beyond this date. We will keep you updated on any developments regarding extension or new executive orders.

As always, if you have any questions please do not hesitate to reach out to us.