

# CLINE WILLIAMS

## WRIGHT JOHNSON & OLDFATHER

### **Presidential Proclamation Suspends Entry of Nonimmigrants Using Employment-Based Visas**

On June 22, 2020, President Trump issued a proclamation that suspends the entry of foreign nationals on certain temporary 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 Trump Administration indicated the Proclamation was issued to address the recovery of the U.S. labor market in the wake of the global health pandemic caused by COVID-19.

#### ***How does the Proclamation affect U.S. employers who currently employ or seek to employ nonimmigrant foreign national workers in the U.S.?***

The most recent 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.

### ***Who is exempt from the Proclamation?***

The Proclamation will not apply to the following individuals:

- lawful permanent residents;
- 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 Secretaries of State, Labor, or Homeland Security, or their respective designees.

### ***What qualifies as a “national interest” exemption?***

For the purposes of determining who is covered under the “national interest” exemption, the Proclamation directs the Secretaries of State, Labor, and Homeland Security to determine standards for those to whom such an exemption would be available, 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;
- 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.

### ***Who determines if an individual is exempt from the Proclamation?***

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

### ***How long will the Proclamation be in effect?***

June 24, 2020 is the effective date of the Proclamation. It will remain in effect through December 31, 2020, and may be continued or modified as necessary.

We will continue to provide updates on this issue. In the meantime, if you have any questions regarding the Proclamation or related immigration law issues, please reach out to [Daniel Oldenburg](#) or another a member of Cline Williams' Labor and Employment Law Section at [www.clinewilliams.com](http://www.clinewilliams.com).



[Susan K. Sapp](#)



[Henry L. Wiedrich](#)



[Tara A. Stingley](#)



[Jason R. Yungtum](#)



[Jill G. Jensen](#)



[Jody N. Duvall](#)



[David R. Buntain](#)



[Lily Amare](#)



[Richard A. Spellman](#)



[Daniel W. Oldenburg](#)



[Renee A. Eveland](#)



[Mary R. Marcum](#)



[Keith T. Peters](#)



[Michelle L. Sitorius](#)



[Katie A. Joseph](#)

The information included in this document is for general informational purposes only and not for the purpose of providing legal advice. You should contact your attorney to obtain advice with respect to any particular issue or problem. Use of and reference to this document or any website it may appear on does not create an attorney-client relationship between Cline Williams and the user or browser.