

EXECUTIVE ORDER SUSPENDS ENTRY OF CERTAIN NONIMMIGRANTS

On June 22, 2020, President Trump signed a second Executive Order or Proclamation suspending the entry of certain nonimmigrants who present a risk to the United States labor market during the economic recovery following the COVID-19 outbreak. The suspension goes into effect on June 24, 2020, and will remain in effect through Dec. 31, 2020. This Proclamation may be continued or modified as necessary.

This Proclamation does not impact foreign nationals who are currently in the United States as nonimmigrants. Therefore, employees currently working in the United States in a valid nonimmigrant status, such as H-1B or L-1, are not impacted. Likewise, foreign nationals who were recently selected for the H-1B lottery and who are in the United States in F-1 status filing for a change of status are not impacted.

Rather, the Proclamation suspends the issuance of visas for those seeking entry pursuant to an H-1B visa, H-2B visa, J visa or L visa and any foreign national accompanying or following to join them. This Proclamation only applies to foreign nationals who are currently *outside* the United States on the effective date of this Proclamation *and* who do not have a nonimmigrant visa that is valid on the effective date of this Proclamation. Put differently, an employee who is outside the United States who already has a valid H-1B, H-2B, J or L-1 visa stamp in their passport will be permitted to enter the United States.

This Proclamation does not apply to: i) any lawful permanent resident of the United States; ii) any foreign national who is the spouse or child of a United States citizen; iii) a foreign national seeking to enter the United States to provide temporary labor or services essential to the United States food chain; or iv) a foreign national whose entry would be in the national interest as determined by the Secretaries of State or Homeland Security.

For purposes of determining who is covered under the national interest exemption, the Secretaries of State, Labor and Homeland Security shall examine whether the foreign national's entry: i) is critical to the defense, law enforcement, diplomacy or national security of the United States; ii) involves the provision of medical care to individuals who have contracted COVID-19 and are currently hospitalized; iii) involves the provision of medical research to help

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the United States combat COVID-19; or iv) facilitates the economic recovery of the United States.

This Proclamation is also requesting that the Secretary of Health and Human Services provide guidance to the Secretary of State on how to reduce the risk of foreign nationals seeking admission or entry to the United States of introducing, transmitting or spreading COVID-19. Likewise, it is requesting the Secretary of Labor to consider promulgating regulations to ensure the presence of foreign nationals seeking admission or a benefit pursuant to an EB2 or EB3 immigrant visa or an H-1B nonimmigrant visa does not disadvantage United States workers.

This also amends President Trump's [Proclamation 10014](#) by extending the expiration date to Dec. 31, 2020. Proclamation 10014, which went into effect on April 22, 2020, temporarily suspended the processing of immigrant visas for certain foreign nationals residing outside the United States. This Proclamation is extending the suspension of such processing until Dec. 31, 2020.