

# CLIENT ALERTS

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## Presidential Proclamation Suspending Entry of Aliens that Present a Risk to the US Labor Market

6.23.2020

On June 22, 2020, President Trump signed a Presidential Proclamation entitled, "Proclamation Suspending Entry of Aliens Who Present a Risk to the U.S. Labor Market Following the Coronavirus Outbreak," which extends the April 22nd Presidential Proclamation regarding the entry of certain immigrants and adds new restrictions for nonimmigrant workers who "pose a risk of displacing and disadvantaging United States workers during the coronavirus recovery," including H-1B, H-2B, J, and L nonimmigrant workers.

Effective June 24, 2020, at 12:01 am EST the Proclamation will limit the entry into the United States of any alien seeking entry pursuant to any of the following nonimmigrant visas is hereby suspending and limited:

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

The suspension and limitation on entry shall only apply to a foreign national who:

- is outside the United States on the effective date of this proclamation (June 24th);
- does not have a nonimmigrant visa that is valid on the effective date of this proclamation; and
- does not have an official travel document other than a visa (such as a transportation letter, an appropriate boarding foil,

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or an advance parole document) that is valid on the effective date of this proclamation or issued on any date thereafter that permits him or her to travel to the United States and seek entry or admission.

In addition, the Proclamation does not apply to:

- any lawful permanent resident of the United States;
- any alien who is the spouse or child of a United States citizen;
- any alien seeking to enter the United States to provide temporary labor or services essential to the United States food supply chain; and
- any alien whose entry would be in the national interest as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees.

This proclamation shall expire on December 31, 2020, and may be continued as necessary. Within 30 days of the effective date of this proclamation and every 60 days thereafter while this proclamation is in effect, the Secretary of Homeland Security shall, in consultation with the Secretary of State and the Secretary of Labor, recommend any modifications as may be necessary.

The new restrictions will not apply to aliens who are already in the U.S., or those outside the country who have already been issued valid visas. Aliens seeking immigration benefits within the U.S. through United States Citizenship and Immigration Services (USCIS) will not be affected by this proclamation. Extensions and Change of Status applications are not impacted by the Presidential Proclamation and can continue within the United States. Foreign Nationals who are in the United States on the effective date of the Presidential Proclamation will be permitted to travel abroad to obtain new visas when U.S. Embassies and Consulates reopen; and will be able to reenter the United States with these new visas.

Please see the Presidential Proclamation at <https://www.whitehouse.gov/presidential-actions/proclamation-suspending-entry-aliens-present-risk-u-s-labor-market-following-coronavirus-outbreak/>.

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