



## President Trump expands temporary suspension to include certain non-immigrant visa categories and extend the period of suspension for entry with certain immigrant visas

25 June 2020

On 22 June President Trump signed the [Proclamation Suspending Entry of Aliens Who Present a Risk to the U.S. Labor Market Following the Coronavirus Outbreak](#). This executive action extends the president's April 2020 suspension of entry by persons with certain immigrant visas until 31 December 2020 and also adds temporary suspension of entry to the United States for holders of certain non-immigrant work visas (and their dependents) for the same period, until 31 December 2020. The administration has said that such action is intended to ensure American workers take first priority as the country's economy recovers from the effects of COVID-19.

With respect to restrictions on temporary work visas, the presidential proclamation targets those seeking entry in H-1B, H-2B, L-1, and J-1 (to the extent the person is seeking to be an intern, trainee, teacher, camp counselor, au pair, or participate in a summer work travel program) visa categories and includes dependents seeking entry in H-4, L-2, and J-2 visa status. The proclamation has made an exception for H-2B visas for those "essential to the United States food supply chain." Under this proclamation, the restrictions on entry apply only to those who are outside of the United States on 24 June and do not have a valid visa (in one of the categories noted above) already in their possession, or an official travel document other than a visa (such as an advance parole document). Such persons are directly impacted by this proclamation as they will not be able to enter the United States or obtain a new visa in one of those categories until 31 December (please note that the temporary suspension could be extended further). Persons who are in the United States on 24 June in one of the visa statuses noted above and who have a valid visa in their passports should not be impacted, but these visa holders should assess the risks associated with traveling outside of the United States before 31 December in the absence of implementing guidance from relevant U.S. government agencies.

The proclamation also instructs the U.S. Department of Labor (DOL) to "consider promulgating regulations or take other appropriate action to ensure that the presence in the United States of aliens who have been admitted or otherwise provided a benefit, or who are seeking admission or a

benefit, pursuant to an EB-2 or EB-3 immigrant visa or an H-1B non-immigrant visa does not disadvantage United States workers." It remains to be seen whether and how DOL will issue new regulations or take other action to address this protection of U.S. workers and how it will impact, if at all, the ability of: (1) those currently present in the United States in H-1B status to extend their stay; and (2) those being sponsored for employment-based U.S. permanent residency (green card) process in the frequently used categories (second and third preference, EB-2 and EB-3, respectively) to pursue permanent labor certification program applications (ETA 9089), the I-140 immigrant petitions, and/or the I-485 adjustment of status (or immigrant visa applications).

The White House also released a [fact sheet](#) explaining the proclamation and stating that the administration is taking immediate steps to reform the H1-B immigration program. According to the statement, the reform seeks to prioritize the highest-skilled workers offered the highest wage and close "loopholes" that allow employers to use low-cost foreign labor.

## Contacts



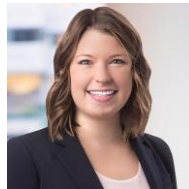
**Beth Peters**  
Partner, Washington, D.C.  
T +1 202 637 5837  
[beth.peters@hoganlovells.com](mailto:beth.peters@hoganlovells.com)



**Aleksandar Dukic**  
Partner, Washington, D.C.  
T +1 202 637 5466  
[aleksandar.dukic@hoganlovells.com](mailto:aleksandar.dukic@hoganlovells.com)



**Anne W. Fisher**  
Counsel, Washington, D.C.  
T +1 202 637 6569  
[anne.fisher@hoganlovells.com](mailto:anne.fisher@hoganlovells.com)



**Cayla D. Ebert**  
Associate, Washington, D.C.  
T +1 202 804 7894  
[cayla.ebert@hoganlovells.com](mailto:cayla.ebert@hoganlovells.com)

[www.hoganlovells.com](http://www.hoganlovells.com)