

# PRESIDENTIAL PROCLAMATION ON IMMIGRATION ISSUED JUNE 22, 2020

*Hodgson Russ Immigration Alert*  
June 23, 2020

This alert was updated on 6/25/2020

Following his April Presidential Proclamation, which suspended the entry of immigrant foreign nationals to the U.S., on June 22nd, President Trump issued an amendment to that proclamation which focuses on the entry of nonimmigrants in certain specified classifications. The amendment covers the H-1B, H-2B, L-1 (L-1A & L-1B), and certain types of J-1 nonimmigrants (interns, trainees, teachers, camp counselors, au pairs, and summer work travel program J-1s). All dependent family members for each of the affected nonimmigrant classifications are also covered by the amendment. The suspension of entry to the U.S. applies to those nonimmigrants who are:

- outside of the U.S as of the effective date of the proclamation (June 24, 2020);
- do not have a valid non-immigrant visa as of the effective date of the proclamation; and
- do not have a valid and official travel document (e.g. advance parole) other than a visa that would permit them to apply for admission to the U.S.

**Exceptions:** The suspension and limitation on entry does not apply to impacted nonimmigrants who are:

- currently in the U.S.;
- outside the U.S. but hold a valid non-immigrant visa or travel document;
- foreign national spouses and children of U.S. citizens;
- seeking to enter the U.S. to provide temporary labor or services essential to the U.S. food supply chain; and
- seeking to enter the U.S. and whose work has been deemed to be the national interest (including but not limited to providing medical care to COVID-19 patients or for COVID-19 medical researchers, and those who nonimmigrants who the government deems are necessary to facilitate the immediate and continued economic recovery of the U.S.).

## Attorneys

Chelsea Latta

David Wilks

## Practices & Industries

Immigration

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The Department of State and Department of Homeland Security have been tasked with developing the requirements/standards to qualify for one of the above referenced exceptions.

**Immigration classifications that are not impacted by the proclamation:**

- United States Lawful Permanent Residents (Green Card holders)
- F-1 students
- E-1/E-2 Treaty Trader/Investor
- O-1 Extraordinary ability
- TN (Trade NAFTA)
- R religious worker visas

U.S. Customs and Border Protection has confirmed that the Presidential Proclamation excludes Canadian citizens. As a result, Canadian H-1B's, H-2B's, L-1's and J-1's will be allowed to continue to enter the U.S., subject to any other travel restrictions in effect by the U.S.

All nonimmigrant foreign nationals should also keep in mind that U.S. consulates all over the world remain closed for visa services so even if one is not subject to this Presidential Proclamation, we recommend that travel outside of the U.S. be postponed.

Please contact Margot Watt (716.848.1353) or any other attorney in our Immigration Practice if you have questions or need further information.