



Proclamation Suspending Entry of Immigrants Who Present Risk to the U.S. Labor Market During the Economic Recovery Following the COVID-19 Outbreak: What You Need to Know

Updated June 23, 2020

Q: What is the new policy?

On June 22, 2020, President Trump issued a [Presidential Proclamation](#), temporarily suspending the entry into the United States of certain categories of nonimmigrants in an effort to slow the spread of COVID-19 and preserve jobs for American workers. **The Proclamation also extends the [April 22 proclamation](#) as it relates to certain immigrants (those seeking admission permanently).** The updated Proclamation will deny entry to covered individuals **through December 31, 2020** and may be continued as necessary. Consular officers will determine if an individual has established eligibility for an exception. The Department of Homeland Security will implement the Proclamation as it relates to entry into the United States. Those who attempt to “circumvent” the policy through fraud, willful misrepresentation of a material fact, or illegal entry will be priorities for removal (deportation). **The effective date is June 24, 2020.** Within 30 days of June 24, 2020 and every 60 days thereafter, the Secretary of Homeland Security, in consultation with other agencies may recommend any modifications to the proclamation.

To learn about who is covered or exempt by the April proclamation, please read our [fact sheet](#).

Q: What is the scope for new categories covered by the June proclamation?

The Proclamation applies to individuals who:

- Were 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;
- Do not have an official document other than a visa (such as a transportation letter, an appropriate boarding foil, or an advance parole document) that is valid on the effective date of the proclamation or issued on any date thereafter that permits him or her to travel to the United States and seek entry or admission.

Q: Which new categories are covered by the June proclamation? The entry of individuals seeking admission on nonimmigrants (temporary) visas:

- An H1-B or H-2B visa, and their family members;
- A J visa coming to work as an intern, trainee, teacher, camp counselor, au pair, or summer work travel program, and their family members;
- An L visa and their family members

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Q: What are H, J, and L categories?

H1-B refers to a person working temporarily for a U.S. employer based on a skill, like as an engineer. H-2B refers to a person working in a seasonal field outside of agriculture, like a crab picker. J refers to an exchange visitor and under this proclamation is limited to those working in specific capacities, like as a camp counselor. Finally, L refers to intracompany transferees who work in positions that require specialized knowledge or who are working in an executive or managerial capacity.

*The proclamation does not affect current H, J, or L holders inside the United States. Further, not every J category is covered. For example, the proclamation does not appear to affect Js seeking admission as a student or scholar.

You can find more information about nonimmigrant visa categories here:

<https://www.uscis.gov/working-united-states/temporary-nonimmigrant-workers>

Q: Who is exempt from the June proclamation?

- Lawful permanent residents of the United States (green card holders);
- Spouses and children of U.S. citizens;
- Individuals seeking to enter the United States to provide temporary labor or essential to the United States food supply chain; and
- Anyone whose entry would be in the national interest as determined by the Departments of Homeland Security and State. The proclamation directs agencies to set standards for who is covered under “national interest” and includes reasons that include defense, law enforcement, diplomacy, national security, medical care in connection with COVID-19, and for those engaged in economic recovery.

*Note: by reference, the June proclamation appears to retain the scope and exemption scheme for “immigrants” as articulated in the April proclamation.

Q: Does the June proclamation include refugees and asylum seekers?

No. The Proclamation states that it should not “be construed to limit the ability of an individual to seek asylum, refugee status, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, consistent with the laws of the United States”.

Q: What legal authority is the administration relying upon to issue this policy?

The proclamation highlights sections 215(a) and 212(f) of the Immigration and Nationality Act. 215(a) gives the President authority to impose restrictions on noncitizens in regard to their entry in and departure out of the United States. 212(f) allows the President to “suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any

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restrictions he may deem to be appropriate” by proclamation when he determines that the entry of these immigrants into the United States would be “detrimental to the interests of the United States”.

Q: Has the administration invoked these immigration statutory sections before?

Over the years, Presidents have relied upon INA § 212(f) to restrict the entry into the United States of certain immigrants, nonimmigrants and asylum seekers. President Trump’s executive orders implementing the travel bans, the third-country asylum rule, and other immigration policies have been grounded in INA § 212(f). President Trump’s invocation of INA § 212(f) in the third iteration of the travel ban was challenged in a Supreme Court case, *Trump v. Hawaii*. The Court ultimately upheld the travel ban, holding that INA § 212(f) is very broad and gives the President great deference to prevent certain categories of individuals from entering the United States.

Q: Where can I find more resources?

Presidential Proclamations:

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

<https://www.whitehouse.gov/presidential-actions/proclamation-suspending-entry-immigrants-present-risk-u-s-labor-market-economic-recovery-following-covid-19-outbreak/>

Center for Immigrants' Rights Clinic:

<https://pennstatelaw.psu.edu/immigration-time-of-trump>