

## **Bordeau Immigration Law, LLC**

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Re: Presidential Proclamation 10014, Suspending Entry of Aliens Who Present a Risk to the U.S. Labor Market Following the Coronavirus Outbreak

Effective immediately, the proclamation described above extends prior restrictions on immigrant visas until at least December 31, 2020, and places new restrictions on H-1B, H-2B, J-1 and L-1 nonimmigrants and their dependents beginning June 24, 2020, with possible modifications at 60-day intervals thereafter. Note that the restrictions do not include TN, O-1, E-3 and many other types of nonimmigrant visas to the United States.

The restrictions on immigrant visas (i.e. green cards or permanent residency), as discussed in our [April 22, 2020 summary](#), are narrowly drafted and do not impact the opportunity for individuals physically present in the United States to seek permanent residency through adjustment of status or to file any petitions leading to permanent residency from within the United States, including labor certifications or I-140 petitions.

Fortunately, the new restrictions on the entry of H-1B, H-2B, L-1 and certain J-1 nonimmigrants and their dependents are also rather narrowly drafted. The restrictions on the entry of J-1 nonimmigrants do not apply to J-1 Professors, Research Scholars, Short-Term Scholars, Alien Physicians or College and University Students. Note that the restrictions also do not include TN, O-1, E-3 or their dependents and many other types of nonimmigrant visas to the United States. **Significantly, the restrictions also do not apply: (1) to anyone who is physically present in the United States on June 22, 2020; (2) to individuals who have valid nonimmigrant visas in their passports; (3) to individuals with valid advance parole travel documents; and (4) to individuals who are working to provide services essential to the US food supply chain or whose entry is in the national interest.**

While the majority of our clients are exempt from the proclamation as they are physically present in the United States, we are strongly advising against international travel at this time. Many US consulates are closed except for emergency appointments, and many countries, including the United States, have restrictions on the entry of individuals from areas of pandemic outbreak and/or impose quarantines on international travelers. While the presidential proclamation technically only prohibits *entry* of certain nonimmigrants, we expect that it will impact the visa issuance process as well. We recommend you consult with our office before any international travel.

Finally, we would like to state we believe the proclamation's focus on nonimmigrant workers is too broad and may not be based on compelling data. As an example, a high percentage of H-1B professionals work in computer science occupations. According to the Bureau of Labor Statistics, the unemployment rate for individuals in computer occupations in May of 2020 was 2.5%, which is *lower* than the 3.0% unemployment rate for computer occupations in January of 2020, prior to the pandemic. Therefore, while solutions to the current unemployment rate should be actively sought, the presidential proclamation targets a group of workers who we believe are

not contributing to the current economic crisis as a broad class; rather, many H-1B professionals work for universities, hospitals and businesses that are directly involved in technical, scientific and medical solutions aimed at fighting the pandemic and improving the US economy. Many L-1 professionals stimulate international business development in the United States, and H-2B workers provide services in industries that are typically hard to fill with US workers. Overwhelming, studies have proven that US immigration helps rather than hinders US economic growth and innovation.

*This is a high-level summary of the major provisions of the June 22, 2020 presidential proclamation. The full text of the proclamation can be found here: <https://www.whitehouse.gov/presidential-actions/proclamation-suspending-entry-aliens-present-risk-u-s-labor-market-following-coronavirus-outbreak/>*