

Recent Executive Order Restricts Entry of Various Nonimmigrant Workers into the U.S.

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Practice Areas

Business Immigration

On June 22, 2020, citing the COVID-19 pandemic, President Trump issued an Executive Order suspending the entry of various foreign workers into the U.S. through the end of the year. Specifically, the Executive Order states, “The entry into the United States of any alien seeking entry pursuant to any of the following nonimmigrant visas is hereby suspended and limited...: (a) an H-1B or H-2B visa, and any alien accompanying or following to join such alien; (b) 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 (c) an L visa, and any alien accompanying or following to join such alien.”

Employers should be aware that the Executive Order specifically states that it only impacts workers outside of the U.S. by stating that the Executive Order “shall apply only to any alien who: (i) is outside the United States on the effective date of this proclamation; (ii) does not have a nonimmigrant visa that is valid on the effective date of this proclamation; and (iii) does not have an official travel 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 this proclamation or issued on any date thereafter that permits him or her to travel to the United States and seek entry or admission.” The Executive Order follows various Presidential proclamations already in place restricting the entry into the U.S. of travelers from China, Iran, European Schengen Area, United Kingdom, Ireland and Brazil. Employers should note that there are several exceptions to the

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Executive Order, as well as the various Presidential proclamations, and counsel should be engaged to discuss these exceptions.