Engage PEO Client Alert:

Immigration Law Update

On June 23, 2020, the Trump Administration extended restrictions on immigrant visas and continued suspension of nonimmigrant visas, including temporary work visas which were implemented in response to COVID-19.

Overview

The "Proclamation Suspending Entry of Aliens Who Present a Risk to the U.S. Labor Market Following the Coronavirus Outbreak" **affects workers seeking nonimmigrant visas in the following categories: H-1B, H-2B, L-1A, L-1B, and J-1.** All foreign nationals outside of the U.S. on the proclamation's effective date—June 24, 2020, at 12:01 a.m. (EDT)—will be subject to the proclamation restrictions. Additionally, any foreign national that does not possess a valid nonimmigrant visa or possess any other official travel document (i.e., advance parole, transportation letter, or boarding foil) which allows the alien to travel to the United States or seek entry into the country by the effective date of the proclamation, will also be subject to its restrictions.

The Proclamation does NOT apply to:

- Foreign nationals seeking to enter the U.S. via the B, E, TN, O, and P categories;
- Any foreign national currently in or travelling to the U.S. with a current and valid H-1, H-2, J-1 or L-1 status, and their dependents, including any foreign national in the U.S. with a pending H-1B change of status cap case;
- All lawful Permanent Residents (green card holders), spouses, and children of U.S. citizens; and
- Those entering to provide temporary services essential to U.S. food supply.

In addition, a national interest exemption is available to foreign nationals. The national interest is determined by the Department of State or the Department of Homeland Security. The exemption is aimed at individuals providing medical care to hospitalized COVID-19 patients, those performing medical research in the U.S. related to COVID-19, individuals who facilitate the immediate and continued economic recovery of the U.S., individuals in law enforcement, diplomacy, or national security, and foreign national children who are aging out of qualifying for immigration benefits.

Employers should ensure they are in compliance with the proclamation by reviewing employee immigration documents related to the categories covered under the proclamation. **For more information, employers can visit the website established by the White House detailing the proclamation here.**

Please contact your Engage HR Consultant if you have any questions.