



Latest Immigration Proclamation Will Impact Specific Employment Categories

June 24, 2020

On June 22, 2020, President Trump issued a Proclamation suspending foreign nationals from entering the U.S. pursuant to a new H-1B, H-2B, L, and J visa. This suspension will not impact foreign national workers already in the United States in these or other visa categories and will not impact foreign nationals who currently have a visa in one of these categories.

At this point, the Proclamation does not appear to affect individuals seeking to change their visa status to these visa categories from within the United States, including F-1 to H-1B CAP applicants.

This suspension will last through at least December 31, 2020. The new proclamation will go into effect at 12:01 A.M. eastern daylight time on June 24, 2020.

More specifically, the suspension and limitation on entry for H-1B, H-2B, J, and L visas applies only to those individuals who meet the following criteria:

1. The individual is outside the U.S. on the effective date of the Proclamation, June 24, 2020;
2. The individual does not hold a nonimmigrant visa valid on the effective date of the Proclamation; and,
3. The individual does not hold an official travel document other than a visa (e.g. transportation letter, boarding foil, or advance parole document) that is valid on the effective date of the Proclamation or on any date thereafter that permits him or her to travel to the U.S. and seek entry or admission.

Furthermore, the suspension and limitation does not apply if the foreign national:

1. Is already a lawful permanent resident (green card holder) of the U.S.;
2. Is a spouse or child of a U.S. citizen;
3. Is seeking to enter the U.S. to provide essential services to the U.S. food supply chain; or,
4. Is one whose entry would be in the “national interest” of the U.S., including:
 - a. those critical to the defense, law enforcement, diplomacy, or national security of the U.S.;
 - b. those involved with the provision of medical care to individuals who have contracted COVID-19 and are currently hospitalized;
 - c. those involved with the provision of medical research at U.S. facilities to help the U.S. combat COVID-19; or

- d. those who are necessary to facilitate the immediate and continued economic recovery of the U.S.

To the extent any of your current or potential employees may be impacted by these new restrictions, please contact your Kutak Rock attorney or any of the attorneys in the [Immigration Law Group](#) or [Employment Law Group](#), and we would be happy to discuss this with you.

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