

The New Immigration Constraints: What They Are and How They Will Affect Foreign Students

July 21, 2020



Presidential Proclamation

June 22

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- ▶ On Monday, June 22, President Trump signed a proclamation suspending entry into the United States of certain immigrants and nonimmigrants who present a risk to the U.S. labor market following the coronavirus outbreak. Effective immediately, the proclamation extends the suspension of entry for certain immigrants (Presidential Proclamation 10014) through December 31, 2020. The new restrictions imposed by the proclamation took effect on June 24 and expire on December 31, 2020, unless continued by the President.
- ▶ The full text of the presidential proclamation is available on the White House website at: : <https://travel.state.gov/content/travel/en/News/visas-news/proclamation-suspending-entry-of-immigrants-and-nonimmigrants-who-present-risk-to-the-US-labor-market-during-the-economic-recovery-following-the-COVID-19-outbreak.html>

Which Student Visas Are Affected?

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J-1 visa, to the extent the foreign national is participating in as an intern, trainee, teacher, camp counselor, au pair, or summer work travel program, and any foreign national accompanying or following to join them.



Exemptions

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- ▶ J-1 exchange program participants ***other than*** interns, trainees, teachers, camp counselors, au pairs and summer work travel participants
- ▶ J-1 exchange program participants who were outside the U.S. on June 24, 2020 if he/she holds a valid unexpired J-visa
- ▶ No valid visas will be revoked under this proclamation
- ▶ The rule does not affect the OPT program
- ▶ Canadians exempt from affected and may continue to enter the U.S. in J-visa category
- ▶ Any individual seeking entry to provide temporary labor essential to the U.S. food supply chain
- ▶ Any individual whose entry would be in the national interest as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees

Background on previous Presidential Proclamations

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- ▶ The full text of the presidential proclamations are available on the White House website at:
 - ▶ China: <https://www.whitehouse.gov/presidential-actions/proclamation-suspension-entry-immigrants-nonimmigrants-persons-pose-risk-transmitting-2019-novel-coronavirus/>
 - ▶ Iran: <https://www.whitehouse.gov/presidential-actions/proclamation-suspension-entry-immigrants-nonimmigrants-certain-additional-persons-pose-risk-transmitting-coronavirus/>
 - ▶ Schengen Area: <https://www.whitehouse.gov/presidential-actions/proclamation-suspension-entry-immigrants-nonimmigrants-certain-additional-persons-pose-risk-transmitting-2019-novel-coronavirus/>
 - ▶ United Kingdom and Ireland: <https://www.whitehouse.gov/presidential-actions/proclamation-suspension-entry-immigrants-nonimmigrants-certain-additional-persons-pose-risk-transmitting-coronavirus-2/>
 - ▶ Brazil: <https://www.whitehouse.gov/presidential-actions/proclamation-suspension-entry-immigrants-nonimmigrants-certain-additional-persons-pose-risk-transmitting-novel-coronavirus/>



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