

LEGAL UPDATE

President Trump Suspends Entry of Certain Foreign Workers

On June 22, 2020, President Trump suspended the entry to the United States of certain foreign nationals holding specific working, nonimmigrant visas. The order becomes effective June 24, 2020 and will remain in force through Dec. 31, 2020, but may be continued as necessary.

Justification

The order cites the economic downturn caused by the COVID-19 pandemic as the main reason to curb the admittance of foreign workers. Specifically, the order states that under the “current extraordinary environment of high domestic unemployment and depressed demand for labor” it would be detrimental to the national economy to enable foreigners to fill employment opportunities at the expense of displaced American workers.

The order also explains that extending these restrictions through the end of the year is necessary because “the economy will likely require several months to return to pre-contraction economic output... [and] restore stable labor demand.”

Scope of Suspension

The order affects foreign nationals (and any individual accompanying or following them) with H-1B or H-2B visas, J visas (to the extent the visa holder is participating in an intern, trainee, teacher, camp counselor, au pair or summer work travel program) and L visas. The order will apply only to foreigners who:

- Are outside the United States on June 24, 2020;
- Do not have nonimmigrant visas that are valid on June 24, 2020; and
- Do not have official travel documents other than a visa that is valid on June 24, 2020, or issued on any date thereafter that permits traveling to the United States and seeking entry or admission.

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Order Does Not Apply To

- Lawful permanent residents
- The spouse or child of a U. S. citizen
- Foreigners seeking to enter to provide temporary labor or services essential to the food supply chain
- Any individual whose entry would be in the national interest
- Individuals seeking asylum, refugee or similar protective status under the law

Under the current high domestic unemployment and depressed demand for labor it would be detrimental to enable foreign workers to fill employment opportunities at the expense of displaced American workers.



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