
Trump Visa Ban Extended and Expanded

By Carl M. Shusterman / Jun 24, 2020

On April 22, 2020, President Trump issued a 60-day visa ban which suspended the issuance of most categories of green cards for persons outside the U.S. Then, on June 22, 2020, he extended and expanded it to include various types of temporary working visas as well as the family-based, employment-based and green card lottery immigrant visas which were banned by the April order.

This second visa ban will continue at least through December 31, 2020, unless it is invalidated by the federal courts.

The visa ban does not affect persons who apply within the United States for extensions of stay, changes of status, or adjustment of status.

"Under ordinary circumstances, properly administered temporary worker programs can provide benefits to the economy," President Trump said in his proclamation. "But under the extraordinary circumstances of the economic contraction resulting from the COVID-19 outbreak, certain visa programs authorizing such employment pose an unusual threat to the employment of American workers."

However, other persons were harshly critical of the proclamation.

"This order is economically baseless," said David Bier of the Libertarian Cato Institute. "It will hurt the recovery and U.S. workers. Foreign workers create demand for other better jobs for U.S. workers elsewhere in the economy. Restricting migration will not lower unemployment, but it will harm American businesses — that are struggling to make it through this period — who employ both Americans and immigrants."

April 22, 2020, Visa Ban Extended - Which Visas are Subject to the Ban?

- Immigrant visas for parents, adult sons and daughters, and siblings of U.S. citizens;
- Immigrant visas for spouses and children of lawful permanent residents;
- Immigrant visas under the diversity visa lottery; and
- Immigrant visas in the employment-based categories.

April 22, 2020, Visa Ban Extended - Who is Exempt from the Ban?

- Green card holders;
- Spouses and children of U.S. citizens;
- Members of the U.S. Armed Forces and their spouses and children;
- Persons applying for green cards under the EB-5 investor program;
- Persons who would further important U.S. law enforcement objectives;
- Persons whose entry would be in the national interest;
- Persons who qualify for special immigrant visas as Afghan/Iraqi translators/interpreters or U.S. government employees; and
- A person seeking an immigrant visa as a physician, nurse, or other healthcare professional; to perform research intended to combat the spread of COVID-19; or to perform work essential to combatting, recovering from, or otherwise alleviating the effects of the COVID-19 outbreak.

Visa Ban Expanded on June 24, 2020, to Include

- H-1B Visas for Professionals and Others;
- H-2B Visas for Temporary Non-Agricultural Workers;
- L-1A Visas for Intracompany Managers and Executives;
- L-1B Visas for Intracompany Transferees with Specialized Knowledge;
- Certain J-1 Exchange Visitors - Interns, trainees, teachers, camp counselors, au pairs and summer work travel participants; and
- Spouses and unmarried children of persons in the above categories who are "accompanying or following to join" the principal in the U.S.

Who is Exempt from the Expanded Visa Ban?

- Green card holders;
- Spouses and unmarried, minor children of U.S. citizens;
- Foreign nationals present in the U.S. on June 24, 2020;
- Foreign nationals abroad who have valid visas, advance parole or other U.S. travel permits;
- Persons with J-1 status who are not in one of the banned categories (See above);
- Persons seeking to enter the U.S. to provide temporary labor or services essential to the U.S. food supply chain; and
- Persons whose entry would be in the national interest as determined by the Secretary of State, the Secretary of the Department of Homeland Security, or their respective designees. This includes persons who are critical to the defense, law enforcement, diplomacy, or national security of the U.S.; are involved with the provision of medical care to individuals who have contracted COVID-19 and are currently hospitalized; are involved with the provision of medical research at U.S. facilities to help combat COVID-19, or are necessary to facilitate the immediate and continued economic recovery of the U.S.

