Immigration Attorney Diane Hernandez - Trump Signs Order Suspending Entry of Immigrants with Work Visas

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By: Diane L. Hernandez

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On June 22, 2020, President Trump signed an Executive Order, to be effective starting June 24, 2020, temporarily suspending entry of foreign nationals under certain employment-based visas until December 31, 2020. The Order also extends the previously imposed green card ban that was implemented in April.

The Order suspends the issuance of any new visas to workers under the H1B, H2B, L1, and J1 programs. The Order does not apply to those already in the U.S. in lawful status who wish to change status to one of the affected programs, or extend their current status in one of these categories. It also does not apply to those outside the U.S. who already have approved visas in one of these categories, with an accompanying visa foil or "stamp" in their passports prior to the effective date of the Order.

Exceptions are carved out for agricultural workers deemed essential to the food chain, and those whose entry would be in the national interest, such as those involved in national defense, law enforcement, diplomacy, or national security of the United States; those involved with the provision of medical care to individuals who have contracted COVID-19 and are currently hospitalized; those involved with the provision of medical research at United States facilities to help the United States combat COVID-19; or those deemed necessary to facilitate the immediate and continued economic recovery of the United States. The Departments of State and Homeland Security are to provide further guidance as to which workers qualify under these exceptions.

The White House said the Order was issued to address the nation's high unemployment rate due to the coronavirus pandemic. Officially, over 20 million people are counted as unemployed by the U.S. Department of Labor, while the unemployment rate is at 16.4 percent.

In the 2019 fiscal year, about 139,000 new H-1B petitions were approved (another 250,000 were extended); 77,000 L-1 visas were issued, as well as 66,000 H-2B visas for seasonal workers. There were about 200,000 new J-1 workers hired in 2018, according to the latest data available.
The Order has already met with pushback from employers in the healthcare, education, engineering, IT innovation, software development, and science industries, and is likely to be challenged in court with litigators arguing that the Order violates federal immigration and administrative laws.

Attorneys

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Practices

- Employment-Based Immigration and Compliance