

ALERTS

Visa Ban Extended & U.S. Travel Ban Continues

01.2021

Extension of Presidential Proclamations 10014 and 10052

On December 31, 2020, President Trump signed a Presidential Proclamation on Suspension of Entry of Immigrants and Nonimmigrants Who Continue to Present a Risk to the United States Labor Market. This proclamation extends Presidential Proclamations (P.P.) 10014 and 10052 through March 31, 2021.

P.P. 10014 suspends entry to the U.S. of certain immigrant visa applicants, while P.P. 10052 suspends entry to the U.S. of certain nonimmigrant visa applicants. Namely, the suspension in P.P. 10052 applies to applicants for H-1B, H2B, and L-1 visas; J-1 visa applicants participating in the intern, trainee, teacher, camp counselor, au pair, or summer work travel programs; and any spouses or children of covered applicants applying for H-4, L-2, or J-2 visas.

As outlined in our first alert on P.P. 10052, this ban does not apply to foreign nationals in the U.S. including those awaiting a change of status, Lawful Permanent Residents, spouse or children of U.S. citizens, and foreign nationals seeking to enter the U.S. to provide services essential to the U.S. food supply chain.

Lastly, discretionary waivers are still available for foreign nationals whose entry would be in the national interest. The State Department, in consultation with the Departments of Labor and Homeland Security, have developed specific criteria for a National Interest Exception (NIE) to P.P.'s 10014 and 10052. Please contact us to discuss securing a NIE for any H-1B, L-1, and J-1 applicants.

Continued Travel Ban - European Schengen Region, UK, Ireland

Travel to the U.S. from the European Schengen Region, the UK, and Ireland has been restricted by Presidential Proclamation since March 13, 2020, and it appears will continue until the P.P. restricting travel is lifted, rescinded, or modified.

Specifically, under this P.P., any foreign national who is physically present in the Schengen region, the UK, or Ireland, within the 14 days before their attempted U.S. are barred from entry. U.S. citizens are not subject to the ban and neither are foreign nationals who meet one of the specific outlined exceptions. Details on the specific outlined exceptions can be found in our initial alert on this travel ban.

Note that foreign nationals who are subject to the ban can spend 14 days in a non-banned country and then attempt entry to the U.S. or they can seek a national interest entry waiver.

Finally, on December 31, 2020, the Centers for Disease Control and Prevention (CDC) issued an order requiring a negative pre-departure COVID-19 test for all airline passengers arriving into the United States from the United Kingdom. The test must be done within three (3) calendar days of the flight's departure. This

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order is set to remain in effect until the earliest of either: (1) the expiration of the Secretary of Health and Human Services' declaration that COVID-19 constitutes a public health emergency; (2) the CDC Director rescinds or modifies the order based on specific public health or other considerations; or (3) March 26, 2021

MVA continues to monitor the ongoing COVID-19 related impacts to U.S. immigration and will continue to provide alerts on these topics.

Please contact an MVA Immigration Team Member if you have any questions.