



## Fact Sheet: Presidential Proclamations Suspending Immigration

### What do these proclamations do?

The April 22 proclamation stopped many individuals from entering the United States as immigrants to reunite with their families.

The June 22, 2020 proclamation extends the April 22, 2020 proclamation through December 31, 2020. It also states that, if an immigrant visa application was filed for an unmarried child before the child turns 21, the unmarried child will be treated as if they are still under 21 if found eligible for a “national interest” exemption. There are no other changes to the April 22 proclamation.

The June 22 proclamation also suspends several types of non-immigrant visas through December 31, 2020. The June 22 proclamation went into effect on June 24, 2020 at 12:01 a.m. It could be extended.

While the proclamations are in effect, they stop individuals from entering the United States if they are:

- Outside the United States on the effective date.
- Seeking one of the types of visas covered by the April 22 or June 22 proclamations.
- Do not have a travel document other than a visa (such as advance parole) that is valid on the effective date or after that permits entry to the United States.

### Who is covered by these proclamations? In other words, who will be denied entry or a visa based on these proclamations?

- Individuals who are seeking immigrant visas because they are:
  - The parents of U.S. citizens
  - The unmarried sons or daughters who are 21 years or older of U.S. citizens unless they were under 21 at the time the application was made and approved for a “national interest” exemption and treated as under 21
  - The spouses and unmarried children who are under the age of 21 of lawful permanent residents (green card holders)
  - The unmarried sons or daughters who are 21 years or older of lawful permanent residents (green card holders)
  - The married sons and daughters of U.S. citizens
  - The brothers and sisters of U.S. citizens
  - Anyone seeking to participate in the diversity visa lottery

- Individuals who are seeking the following types of nonimmigrant visas:
  - H1B, H2B, and L visas (employment-based) and any family members accompanying or following to join individuals with those visas;
  - J visas (cultural exchange visas) to the extent that the individual is intending to work as an intern, trainee, teacher, camp counselor, au pair, or summer work travel program, and any family members accompanying or following to join individuals with a J visa for these reasons;

**Who is exempt from these proclamations? In other words, who should not be denied entry or a visa based on these proclamations?**

- Lawful permanent residents (green card holders)
- Individuals who are seeking immigrant visas because they are
  - Spouses of U.S. citizens
  - Unmarried children of U.S. citizens who are under 21 or over 21 and approved for a “national interest” exemption to treat them as under 21
  - Prospective adoptees of U.S. citizens
  - Members of the United States military and their spouses and children
  - Doctors, nurses, or other healthcare professionals
  - Individuals seeking to enter the United States to perform medical research or other research intended to combat the spread of COVID-19
  - Individuals applying for the EB-5 Immigrant Investor Program
  - Individuals applying for Special Immigrant Visas as an Afghan or Iraqi translator/interpreter or U.S. Government Employee and their spouses and unmarried children
  - Individuals whose entry is important to U.S. law enforcement objectives or the national interest
- Individuals who are seeking non-immigrant visas that are covered by the June 22 proclamation but who are:
  - Seeking to enter the U.S. to provide temporary labor or services essential to the U.S. food supply chain
  - Individuals whose entry is important to the U.S. national interest
- Individuals who are seeking non-immigrant visas that are not specifically covered by the June 22 proclamation, which include but are not limited to:
  - B-2 visitor visas
  - U visas for victims of serious crimes and T visas for victims of trafficking
  - K visas for the fiancés and spouses of U.S. citizens and their unmarried children
  - Temporary employment visas, such as H2As (seasonal agricultural workers) and H1As (seasonal non-agricultural workers)
  - International students on F-1 student visas

The proclamations do not prevent an individual from seeking asylum, refugee status, withholding of removal or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, under the laws of the United States.

However, previous orders mean that anyone seeking asylum at the southern border is being turned away.

**Is there a way to apply for an exception?**

In a way, yes. An individual who is covered by either proclamation could apply for parole, which is a way to be temporarily admitted to the United States. Please contact a qualified immigration attorney for advice on applying for parole.

**Is there a punishment for violating the proclamations?**

If an individual is covered by either proclamation but enters the United States through fraud, willful misrepresentation of a material fact, or illegal entry, the individual will be a priority for removal.

**Could the proclamations be extended or expanded?**

Yes and yes. The April 22 proclamation was originally in effect for 60 days, but the President just extended it to December 31, 2020, the same date the June 22 proclamation is set to expire. However, both proclamations could be extended, or expanded to cover more categories of people.

**Are there more changes to the visa process coming?**

In the June 22 proclamation, the President ordered that the responsible departments ensure that:

- Non-citizens cannot apply for a visa or admission or entry to the U.S. until the individual has been registered with biographical and biometric information, including but not limited to photographs, signatures, and fingerprints;
- Non-citizens who have final orders of removal; who are inadmissible or deportable from the United States; or who have been arrested for, charged with, or convicted of a criminal offense in the United States, cannot be granted eligibility to work in the United States;
- The issuance of H1-B nonimmigrant visas and EB-2 and EB-3 immigrant visas and the allocation of H1-B nonimmigrant visas does not disadvantage U.S. workers.

The June 22 proclamation is one of at least 48 immigration policy and procedure changes ordered since February 2020. [One of those proclamations indefinitely suspends](#) all routine immigrant and nonimmigrant visa appointments, effectively pausing almost all legal immigration to the U.S.

**Get Help**

The Immigrant Law Center of Minnesota (ILCM) provides free immigration legal services to low-income immigrants in a variety of immigration matters. For more information about how we can assist you, please visit our website at [www.ilcm.org](http://www.ilcm.org) or call us at (651) 641-1011.