

From: David Muusz <muusz@umich.edu>

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To: 'international-faculty-staff@umich.edu' <international-faculty-staff@umich.edu>; 'ICINSZoomUsers@umich.edu' <ICINSZoomUsers@umich.edu>

Subject: FSIS Update on Presidential Proclamation on Immigration

Dear all –

As has been widely reported in various news media, on Monday 6/22/2020, the Trump administration issued [a Presidential Proclamation on immigration](#), suspending the entry of certain groups of non-immigrants until the end of the calendar year. Note that [other, COVID-related travel restrictions](#) remain in place.

While the proclamation is quite broad in scope, there are several important exemptions that significantly limit its impact. In short, the proclamation limits the **admission into the U.S.** of individuals in H-1B, H-2B, L-1A, and L-1B status as well as their dependents. Also affected are individuals seeking admission in several J-1 categories. However, note that J-1 scholars, physicians, and students are not included in the proclamation. Also not affected are individuals seeking to enter the U.S. in TN, E-3 or O-1 status.

Individuals who are in the United States on the effective date of the proclamation (12:01am EDT on 6/24/2020) are not affected by the travel ban. Also not affected are individuals who hold a valid U.S. visa or “an official travel document other than a visa (such as a transportation letter, an appropriate boarding foil, or an advance parole document) that is valid on the effective date of this proclamation or issued on any date thereafter that permits him or her to travel to the United States and seek entry or admission.”

Further exemptions are made for:

- green card holders;
- spouses or children of a U.S. citizen;
- individuals seeking to enter the United States to provide temporary labor or services essential to the United States food supply chain; and
- individuals whose entry would be in the national interest as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees.
 - The proclamation does not stipulate exactly whose admissions would be in the national interest, but clarifies that, among others, those who “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 United States facilities to help the United States combat COVID-19; or are necessary to facilitate the immediate and continued economic recovery of the United States,” may be considered under this exemption.

As with previous Presidential Proclamations, some of the language is ambiguous and subject to interpretation. Further clarification on these matters, including the impact on Canadian citizens who generally do not require a visa to enter the U.S., is required and has been requested.

However, as it is written, what is clear is that **the proclamation does NOT limit the filing of H-1B petitions with USCIS, even if the beneficiary is currently abroad. Those petitions should continue to be adjudicated.** Of course, beneficiaries of such petitions may not be able to enter the U.S. in H-1B status until after the travel ban is lifted and consulates re-open for routine visa interview appointments. **Green card applications can also continue to be filed.** In fact, for new teaching faculty and staff – even if their employment start date has been deferred – it is advisable to start the green card process upon making the offer of employment.

As the travel ban is essentially a ban on new admissions into the U.S., individuals who are currently in the U.S. in another status, such as F-1 OPT, remain eligible for a change of immigration status to H-1B. Individuals who currently hold H-status also remain eligible for extensions of their status.

The proclamation also directs the U.S. Departments of Labor and Homeland Security to “consider promulgating regulations or take other appropriate action” to ensure U.S. workers are not disadvantaged. We will continue to monitor any developments and update you as needed. For an overview of recent important updates please refer to <https://internationalcenter.umich.edu/fsis>

Should you have any questions or concerns about this new proclamation, please do reach out.

Sincerely,

David

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David Muusz

Assistant Director for Faculty and Staff Immigration Services
International Center | University of Michigan
515 E. Jefferson Str. | 1500 SAB | Ann Arbor, MI 48109
Tel: 734-647-7277 | Fax: 734-647-2181 | muusz@umich.edu | www.internationalcenter.umich.edu/fsis