Rutgers Global FAQs on June 22 US Presidential Proclamation Suspending the Entry of Nonimmigrants Holding Certain Work Visas

Q: Which visas are affected with the Presidential Proclamation (June 22, 2020)?


Q: I have an approved (H-1B, H-2B, J, or L) petition and I am waiting for my interview. What does this mean for me?

A: Suspension of entry only applies to “any alien who does not have a nonimmigrant visa that is valid on the effective date of this proclamation."

Q: I am already in the United States on a H-1B, H-2B, J, or L visa. What does this mean for me?

A: The Proclamation is not retroactive. No valid visas will be revoked under this Proclamation.

Q: Can I apply for a change of status to H-1B status or an extension of H-1B status within the U.S.?

A: Yes. it is possible to change your status from one nonimmigrant status to another provided you meet certain conditions.

Q: Are all J-1s (and their dependents) affected by the Presidential Proclamation?

A: No, exchange visitors in the following J-1 categories (and their dependents) are not affected:

- Research Scholar
- Professor
- Short-Term Scholar
- Student (degree & non-degree seeking)

Q: I am a physician. Am I exempt?

A: Physicians applying for a J visas are not subject to the proclamation. Physicians seeking to enter the U.S. on an H-1B or L visa to provide medical care to individuals who have contracted COVID-19 and are currently hospitalized, or perform medical research to help the United States combat COVID-19, may be considered for exceptions.

Q: My spouse is a U.S. citizen, I was outside of the U.S. as of 6/24/2020, and I do not have a valid H-1B visa. Am I eligible to apply for H-1B visa?
A: Yes. Because your spouse is a U.S. citizen, you are exempted from the Presidential Proclamation. Although you are eligible to apply for an H-1B visa and enter the U.S., consular services are very limited right now. Be prepared that it may take a while to secure a consular appointment.

Q: I have a valid Advance Parole document. Can I travel into the U.S. without a valid visa in my passport?

A: Yes. The Presidential Proclamation does not apply to you.

Q: I am in the U.S. on an H-1B, H-2B, L, or J visa but my visa will expire before December 31. Can I extend my stay?

A: The visa foil in your passport is separate from your nonimmigrant status (authorized stay). Visa expiration does not affect your authorized stay in the U.S. Therefore, you may remain in the U.S. with an expired visa foil. Accordingly, you may extend your stay in the U.S. provided your nonimmigrant status (e.g. H-1B I-797 approval notice) remains valid.

Q: My H-1B visa is still valid but I am outside of the U.S. Can I travel to the U.S. before December 31, 2020?

A: Yes, if your H-1B visa is still valid, you will be able to travel to the U.S. prior to December 31, 2020. We would recommend returning to the U.S. before your visa expires as it is not yet known whether consular posts will be renewing such visas.

Q: I was in the U.S. as of June 24th in valid H-1B nonimmigrant status and with a valid visa. I wish to travel but my visa has already expired. Can I renew my visa before December 31, 2020?

A: Visa holders already legally in the U.S. do not need to renew their visa to remain in the U.S. If you depart the U.S., you will need a valid visa to return. Currently, Consular Affairs is not issuing H-1B, H-2B, L, or certain J visas, and their derivatives through December 31 unless an exception applies. You must have a valid travel document, such as Advance Parole, to enter the U.S.

Until the Department of State issues further guidance, we would caution against traveling outside of the U.S. if you are in one of the affected categories and your visa will expire before December 31, 2020. As of now, consular services are very limited and there is not yet guidance on if/when the consular posts will be renewing such visas.

Q: I am a Canadian citizen and do not require a visa. Am I exempt?

A: Yes, Customs and Border Protection (CBP) Headquarters has confirmed that Canadian citizens entering in H, J, or L status are exempt from the Presidential Proclamation issued on 6/22/2020 and that guidance has been provided to local Port of Entries (POEs). Please note that the TN nonimmigrant classification was not affected by the Proclamation. Therefore, individuals seeking to enter the U.S. in TN status may still do so.

Q: I am affected by the Presidential Proclamation and will not be able to return to the U.S. until December 31, 2020. Can I apply for an H/L/J visa before December 31, 2020?

A: The Department of State has not yet announced whether it will be issuing visas for affected individuals prior to the lifting of the entry bar.
Q: I am currently in the U.S. in H-1B status but my spouse and/or child is outside of the U.S. Can they enter the U.S. in H-4 status?

A: No. Only if they already have a valid H-4 visa or travel documents such as Advance Parole. If their H-4 visa was not valid as of June 24, 2020, they will not be able to enter the U.S. until December 31, 2020.

If your child’s/spouse’s H-4 visa is still valid but will expire soon, they may want to consider traveling to the U.S. before the visa expires. As of now, it is not yet clear whether the consular posts will be renewing H-4 visas.

Q: I was in the process of a green card application when the President issued the US Presidential Proclamation. Can I continue with my green card process?

A: Yes. The proclamation did not affect green card applications – new and/or pending.