

Client Update: Presidential Proclamation Extending Travel Bans into the New Year

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On December 31, 2020, President Trump announced his [newest Presidential Proclamation](#) extending certain travel bans for individuals entering the United States. Specifically, this proclamation is an extension to the previous bans limiting the entry of immigrants and nonimmigrants into the United States, and it will expire on March 31, 2021.

On January 15, 2021, and every 30 days thereafter (into the Biden administration), the Secretary of Homeland Security, in consultation with the Secretary of State and the Secretary of Labor, will reevaluate and make any modifications as may be necessary.

Please note that the following individuals are still able to enter the US within the discretion of US Customs and Border Protection:

- US Citizens;
- US Lawful Permanent Residents (“Green Card holders”);
- Any alien who is the spouse of a US citizen or Green Card holder;
- Individuals already holding valid nonimmigrant visa stamps; and
- Canadians holding valid US visas or nonimmigrant status documents, including Canadian citizens who obtain L-1 or TN approvals through USCIS or to be granted at the port-of-entry.

As with the previous proclamations regarding COVID-19-related travel restrictions, this proclamation specifically applies to the following:

Immigrant Visas

The proclamation speaks specifically to immigrant visas and applies to foreign nationals (Non-US Citizen or Green Card holder) who:

1. Are outside the United States as of April 24, 2020;
2. Do not have an immigrant visa that is valid as of April 24, 2020; and
3. Do not have 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 the proclamation or issued on any date thereafter that permits him or her to travel to the United States and seek entry or admission.

Nonimmigrant Visas

In addition, the proclamation extends the ban to nonimmigrant visas (H-1B, H-2B, L-1, and J-1), and applies to aliens (Non-US Citizen or Green Card holder) who:

1. Are outside the United States as of June 24, 2020;

2. Do not have a nonimmigrant visa that is valid as of June 24, 2020; and
3. Do not have 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 the proclamation or issued on any date thereafter that permits him or her to travel to the United States and seek entry or admission.

It is important to note that the proclamation expressly *excludes* those who are already US Lawful Permanent Residents (also known as “LPRs” or “green card holders”), spouses or minor children of US citizens, or aliens applying for a visa pursuant to the EB-5 Immigrant Investor Program. This proclamation also does not apply to visa-exempt Canadians, allowing such individuals to continue and apply for the TN and L visas at the border. It also will not impact the acceptance of immigrant petitions or adjustment of status applications by US Citizenship and Immigration Services.

As the presidential proclamation will bleed into President-elect Biden’s term, we will provide any updates as they become available. As always, our team stands ready to guide you through these requirements and develop appropriate strategies for to meet your immigration needs.