

PUBLICATION

Scary Rumors: H, L, and J Nonimmigrants Should Stay in or Quickly Come to USA

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Baker Donelson has been closely monitoring serious developments in the White House concerning its possible use of emergency powers for development of an expanded proclamation to suspend the entry of certain nonimmigrant visa holders, which could go into effect in the next few weeks. At this point, we do not have specific details on the precise scope and whether and when it will be implemented, but we strongly urge all H, L, and J nonimmigrant visa holders physically present in the United States to refrain from international travel at this time. For those outside the United States with valid visas in these categories, we recommend they return to the United States as soon as possible if they can do so safely and are not otherwise subject to travel restrictions due to the coronavirus.

The latest information suggests that the proclamation could become final as soon as June 15 and would remain in effect anywhere from 90 to 180 days. The order could bar entry to the United States for H-1B, H-2B, J-1, L-1B, and possibly even L-1A nonimmigrants. The proclamation is expected to have a number of exceptions for health care, food supply, and other essential and critical workers. It should not affect anyone continuously present in the United States in these classifications.

Reportedly, the Trump Administration is also considering side-stepping normal notice-and-comment processes and immediately issuing effective regulations that would eliminate work authorization under STEM OPT, H-4 spouse, and certain other programs, and restrict eligibility criteria for H-1B petitions, among other things.

Any of these actions will be subject to inevitable legal challenge. If you have any questions or need additional information, please contact [Robert Divine](#) or [Melanie Walker](#).