



News & Types: Client Advisories

Trump Nonimmigrant Visa Ban Expires

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Practices: Immigration

EXECUTIVE SUMMARY

Former President Trump's Nonimmigrant Visa Ban - Presidential Proclamation 10052 - which, under the guise of protecting US jobs during the pandemic, suspended the issuance of H-1B, H-2B, J-1 Trainee and L-1 Intracompany Transferee visas by Consular Posts abroad, expired on March 31, 2021 and there is no indication from the Biden Administration that it will be extended. As a result, US Consulates will begin accepting and processing these visas, ending a period of confusion, frustration and anxiety on the part of US corporate employers, employees and, in all likelihood, Consular officers who had to navigate the Proclamation, as well as the myriad of exceptions and new rules governing visa issuance.

More importantly, persons in the US in any of the "banned" categories are no longer limited to filing extensions of stay with USCIS, and receiving the dreaded, but expected, Request for Evidence that USCIS seemed to issue without an analysis of an individual case.

However, the ban on entry by persons from the Schengen countries, China, Iran, UK, Ireland, Brazil and South Africa remains and even if persons from those countries qualify for one of the nonimmigrant visas listed above, they must still qualify for a National Interest Exception in order to enter the US.

Additionally, it should be noted that even with the expiration of the visa ban, persons traveling to a US Consulate must still comply with local rules relating to COVID-19 mitigation, and all US Consulates must follow the rules of the country where it is located. Furthermore, many US Consulates are still operating on a limited schedule or for emergency applications only.

As we anticipate that many persons will travel overseas to apply for a visa, we recommend that visa application processes begin well in advance of visa or I-94 expiration.