

NOVEMBER 2020

SUMMARY OF TEMPORARY VISA- & COUNTRY-RELATED TRAVEL BANS

(CURRENTLY IN EFFECT AS OF NOVEMBER 2020)

After all routine visa services at U.S. consulates and embassies were suspended from March 20 to July 14, 2020 due to COVID-19, consulates and embassies have started resuming some routine visa services. However, certain immigrants are still prevented from coming to the United States, depending on the **type of visa** and/or the **country** they reside in or have spent time in immediately prior to their attempted entry to the United States. These restrictions only apply to some individuals who are outside the United States. They do not apply to U.S. citizens (USCs) or lawful permanent residents (LPRs).

The visa-specific restrictions on entry mean that certain types of visa cases still cannot be processed even if the consulate or embassy has resumed processing other visa cases. These restrictions last through December 31, 2020. Adding to the confusion, there are also country-specific restrictions on entry. These restrictions last indefinitely. More details below.

Both the visa- and country-related travel restrictions derive from presidential proclamations, which are described as responses to COVID-19 by temporarily banning those who are viewed as posing a “risk” for COVID-19 transmission or to the U.S. labor market during the economic downturn related to COVID-19.

TRAVEL BANS BASED ON TYPE OF VISA

Through the end of 2020, many immigrant visa applicants as well as certain nonimmigrant visa applicants, regardless what country they are coming from, may not come to the United States right now. These restrictions are described in two presidential proclamations (PP), PP 10014 issued on April 22, 2020 and effective April 23, 2020 and PP 10052, issued on June 22, 2020 and effective June 24, 2020. The April 2020 restrictions only applied to those coming to the United States to get a green card (immigrant visa) and initially lasted for 60 days. The June 2020 restrictions added to the list certain nonimmigrants coming to the United States temporarily to work and extended the April 2020 restrictions for another six months, through December 31, 2020. It is possible that these restrictions may be extended again, beyond the end of the year.

The visa-related travel restrictions apply to the following individuals:

- ⚠ Those immigrating as–
 - ⊖ spouses and children of LPRs
 - ⊖ parents of USCs
 - ⊖ siblings of USCs
 - ⊖ adult and/or married children of USCs
 - ⊖ diversity visa “winners”*

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- ⊖ family members of U visa holders
- ⊖ VAWA self-petitioners
- ⚠ Those coming to the United States with–
 - ⊖ H-1B visas* (and their spouses and children)
 - ⊖ H-2B visas* (and their spouses and children)
 - ⊖ J visas* (and their spouses and children)
 - ⊖ L visas as interns, trainees, teachers, camp counselors, au pairs, or summer work travel programs* (and their spouses and children)

*Various legal challenges have blocked or altered some of these restrictions.

These restrictions do NOT apply to:

- ⚠ Immigrants who were already granted an immigrant visa before April 23, 2020
- ⚠ Nonimmigrants who were already granted an H-1B/H-2B/J/L visa before June 24, 2020
- ⚠ Those who are immigrating as–
 - ‡ the spouses or unmarried, under age 21 children of USCs
 - ‡ children coming to the United States to be adopted under IR-4 or IH-4 visa classifications
- ⚠ LPRs returning from travel abroad
- ⚠ Nonimmigrants coming to the United States with B-1 or B-2 visitor visas
- ⚠ Asylees
- ⚠ EB-5 investors
- ⚠ Members of U.S. Armed Forces and their spouses and children
- ⚠ J visa applicants in other categories (noncitizen physician, government visitor, international visitor, professor, research scholar, short-term scholar, specialist, secondary school student and college/university student)

There are special exceptions for healthcare professionals and medical researchers working on COVID-19 or their spouses or unmarried under age 21 children, those who are considered important for law enforcement or national interest purposes, people seeking to come to the United States to provide temporary labor or services essential to the U.S. food supply chain, and children who are at risk of “aging out” of visa eligibility while these bans on entry are in effect or within two weeks after the end of the travel ban and are ineligible for Child Status Protection Act (CSPA) protection.

For the nonimmigrant visas, the exceptions vary by visa type, i.e. the exceptions for H-1B visa holders are different from the exceptions for J-1 visas.

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TRAVEL BANS BASED ON HAVING BEEN IN CERTAIN COUNTRIES/REGIONS IN LAST 14 DAYS, APPLIES DIFFERENTLY DEPENDING ON IMMIGRATION STATUS







These restrictions apply to people who have been in China, Iran, parts of Europe, and Brazil in the last 14 days prior to their attempted entry to the United States, including if they just transited through one of the countries on the list.

USCs, LPRs, and their immediate family members will be allowed back into the United States even if they have been in one of these countries in the last 14 days, but must self-quarantine for 14 days in their own home after arrival.

Other immigrants will not be allowed back into the United States if they have been in one of these countries or regions in the last 14 days, unless they are granted an exception.

Up until September 14, 2020, flights carrying passengers who were recently present in the below-listed countries or regions were required to land at 15 designated airports for COVID-19 health screenings. This airport requirement has been lifted, but the travel restrictions continue.

These restrictions apply to the following countries and regions:

-  **China** (excluding Hong Kong and Macau) (went into effect 2/2/20)
-  **Iran** (went into effect 3/2/20)
-  the "Schengen Area" (**Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland**) (went into effect 3/13/20)
-  the **United Kingdom** (went into effect 3/16/20)
-  **Ireland** (went into effect 3/16/20)
-  **Brazil** (went into effect as of 5/26/20)

Exceptions apply depending on a person's situation and also the country or region, e.g. students with valid F-1 or M-1 visas traveling from the Schengen Area, the UK, or Ireland may not need an exception.

As with the visa-related travel restrictions, these country-related restrictions also have exceptions for travelers seeking to enter the United States for purposes related to humanitarian travel, public health response, and national security.

