
Expiration of Presidential Proclamation banning certain H-1B, H-2B, J-1, and L-1 Nonimmigrant Applicants

On April 1, 2021, the Presidential Proclamation suspending entry of certain nonimmigrants in the H-1B, H-2B, L-1, and J-1 visa categories expired. Thus, as of April 1, 2021, new applicants who have not previously held an H-1B, L-1 or J-1 visa are allowed to apply for and be issued these visas.

Impact of Expiration of L, H and J Visa Suspension

Visa applicants who were previously refused visas due to the restrictions of the now expired Presidential Proclamation may reapply for their visa stamps and should contact the relevant U.S. Consulate for instructions on restarting the application process. New H, J, and L applicants are also now eligible to schedule visa interviews. While the aforementioned visa types are now available to be applied for, we anticipate appointment availability to be limited as consulates are still not back to normal staffing and will be working through visa backlogs.

Ongoing Travel Suspensions

Foreign nationals no longer subject to the H/J/L Presidential Proclamation will remain subject to ongoing regional COVID-19 related travel restrictions. Securing visa interviews in areas with active travel bans, such as the U.K. and Ireland, much of Europe (the Schengen Area), Brazil, China, and South Africa, will continue to prove challenging as travel bans remain in place for foreign nationals who were physically present in these areas within 14 days of attempting entry to the United States. Therefore challenges around interview timing and process to schedule will likely remain the norm for now.

MRV Fee Payment – extended to 9/30/2022

The validity of all MRV fees has been extended until September 30, 2022. This will allow applicants who have so far been unable to schedule or attend a visa appointment due to the suspension of routine consular operations, an opportunity to schedule, re-schedule and/or attend a visa appointment with the fee already paid.

Conclusion

An official announcement of the expiration of the H/J/L visa ban from the Department of State can be found at the following webpage:

<https://travel.state.gov/content/travel/en/News/visas-news/update-on-presidential-proclamation-10052.html>

As always, we will continue to monitor this situation closely, and provide additional details as they become available. Pryor Cashman will reach out to clients to discuss any potential impacts of the proclamations expiry on any ongoing cases. Please reach out to your Pryor Cashman team if you have any questions.

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