



Summary of President Trump's June 22 Executive Order June 24, 2020

On June 22, President Trump released an executive order (EO) [Proclamation Suspending Entry of Aliens Who Present a Risk to the U.S. Labor Market Following the Coronavirus Outbreak](#). The order went into effect on June 24, 2020. This EO expands upon his April 22 [Proclamation Suspending Entry of Immigrants Who Present Risk to the U.S. Labor Market During the Economic Recovery Following the COVID-19 Outbreak](#), which temporarily suspended new immigrant visas (green cards) for 60 days.

The June EO builds upon this previous order by extending the suspension of new immigrant visas through December 31, 2020 and makes additional restrictions to non-immigrant work visas as described below. Spouses and children of these applicants would also be barred entry. The Administration's rationale for both EOs is centered on U.S. economic stability; simply put, U.S. domestic workers should not be in direct competition with foreign individuals in the job market, which has been further exacerbated by the COVID-19 crisis. According to multiple reports, including [Law360](#), the Administration anticipates that these suspensions would "free up" 525,000 jobs for Americans.

Both the April and June EOs also state that the suspensions of visas have the potential to be extended beyond their noted end dates. Both EOs are not designed to target refugees or asylum seekers.

Neither F-1 student visas nor Optional Practical Training (OPT) have been addressed in either EO, to date. However, both include language giving Department of Homeland Security (DHS), in consultation with Department of State and Department of Labor, discretion to amend "review and provide further recommendations on how to review nonimmigrant programs and shall recommend to me other measures appropriate to stimulate the United States economy and ensure the prioritization, hiring, and employment of United States workers." It is likely any structural changes to the OPT program would be addressed through the regulatory process.

On June 15, CGS members engaged in a week of virtual advocacy on behalf of international graduate students and OPT. An [advocacy toolkit](#) has been developed as a member resource to assist in these efforts and is regularly updated to reflect legislative and regulatory changes.

H-1B Visas

The June 22 EO suspends granting new [H-1B](#) visas through December 31, 2020. H-1B holders work in a specialty occupation and, broadly speaking, have at a minimum a bachelor's degree relevant to the position in which they are working. Institutions of higher education who employ faculty and scholars on H-1Bs will be affected.

President Trump is also aiming to convert the H-1B lottery system to one based on wage compensation. For FY 2021, DHS has allotted 65,000 H-1B slots, with up to an additional 20,000 dependent upon the number of applicants who hold a U.S. master's degree or higher.

Instead, the president wants to allot the combined 85,000 slots to applicants who are offered the highest salaries.

H-2B Visas

The EO suspends [H-2B visas](#) through December 31, 2020. H-2B visas are for non-agricultural temporary workers. The EO makes an exception for those working in the U.S. food supply chain.

J-1 Visas

The June 22 EO suspends [J visas](#) for certain categories of exchange visitors through December 31, 2020. These include individuals who are intending to participate in internships, trainee, teacher, camp counselor, and au pair work programs. It does not list those intending to serve as higher education students, professors, and research scholars. DHS notes that 300,000 individuals participate via the J-1 Exchange Visitor Program each year.

L Visas

The June 22 EO suspends L visas through December 31, 2020. [L visas](#) are for intracompany transferees who work in managerial or executive positions (L-1A) or require specialized knowledge (L-1B).

Considerations

Should employers who have been granted H-1B slots as a result of the March 2020 lottery still plan to have those workers arrive this fall?

How will undergraduate and graduate students participating in OPT be affected, given employers' demand to hire students after completion of OPT?

For workers present in the U.S. needing to extend or renew their H-1B, will this EO prevent them from doing so?

How will the suspension of H-1Bs impact the pipeline of university faculty?