

Mobility: immigration alert

April 2021

United States

The sunset of Presidential Proclamation 10052

Executive summary

On 31 March 2021, Presidential Proclamation 10052 (the Proclamation), which suspended entry of certain non-immigrants, expired and was not further renewed by President Biden.

Background and analysis

On 22 June 2020, former President Trump signed the Proclamation which suspended the entry of foreign nationals, who did not have a valid visa foil, in the following non-immigrant categories: H-1B, H-2B, J-1 and L-1, and respective dependant spouses and children visas. The economic toll that resulted from the COVID-19 pandemic and the protection of the domestic labor market were cited as the rationale behind the Proclamation.

On 31 December 2020, the Proclamation was further extended until 31 March 2021. However, on 31 March 2021, the Proclamation was not renewed and therefore expired.

Though the Proclamation has expired, pandemic travel restrictions remain in effect worldwide, and United States consulates are limiting routine visa issuance.

What this means

The expiration of the Proclamation will positively impact the ability of previously restricted foreign nationals to apply for H-1B, H-2B, J-1 and L-1 visas. However, the sunset of the Proclamation is not likely to result in the immediate

processing of new visa applications. The pandemic continues to impact the operations of United States consulates worldwide, and with many COVID-19 bans still in place, routine visa processing is not likely to resume in full any time soon.

In addition, travel restrictions to the United States from certain countries, including the 26 Schengen area countries, United Kingdom, Ireland, and South Africa, remain in place.

The Department of State has announced that visa applicants who have been waiting to be interviewed or scheduled for an interview will have their applications prioritized and processed as per existing phased resumption of visa services guidance. Applicants are eligible to reapply by submitting a new visa application, including a new fee, in cases where they were previously subject to visa refusal due to the Proclamation's restrictions.

The sunset of the Proclamation likely will not bring appointment availability back to a pre-pandemic level. The United States consulates in most countries are still scaling their capacity to cater to already existing visa appointment backlogs and to facilitate increased visa processing requests.

We will continue to monitor and review future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional.



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