



IMMIGRATION AND NATIONALITY LAW GROUP PLLC

Presidential Proclamation 10052 Has Expired. Now What?

Presidential Proclamation 10052, which temporarily suspended the entry of certain H-1B, H-2B, J (for certain categories within the Exchange Visitor Program), and L nonimmigrants, **expired on March 31, 2021**.

The State Department has released a **statement** today informing that visa applicants who have not yet been interviewed or scheduled for an interview will have their applications prioritized and processed in accordance with existing phased resumption of visa services guidance. Visa applicants who were previously refused visas due to the restrictions of Presidential Proclamation 10052 may reapply by submitting a new application including a new fee.

The **Phased Resumption of Routine Visa Services** of the State Department will follow the following guidelines, among others:

- The resumption of routine visa services, prioritized after services to U.S. citizens, will occur on a **post-by-post basis**.
- The State Department did not provide a **specific date** for when each mission will resume specific visa services, or when each mission will return to processing at pre-pandemic workload levels.
- Applicants with an urgent matter who need to travel immediately should contact the nearest embassy or consulate to request an emergency appointment.

However, even with the expiration of Proclamation 10052, some diplomatic missions are refusing the issuance of the same types of visas that were banned by Proclamation 10052 invoking Proclamation 10143.

Entry to the U.S. has been restricted for certain foreign nationals who have been physically present during any part of the 14 days prior to entry in **Brazil, the United Kingdom, the Republic of Ireland, the Schengen Area, South Africa, Iran and Chinadue** to President Proclamation 10143.

Foreign nationals with valid visas or authorization via the Visa Waiver Program (VWP) can quarantine outside those areas for 14 days and then travel into the United States. Proclamation 10143 contains an exception for those foreign nationals whose travel is in the national interest, known as a national interest exception (NIE).

What Proclamation 10143 does not do is restrict the State Department from granting visas to applicants who physically reside in the countries listed above. However, various embassies from these affected countries have implemented rules that automatically deny the issuance of a visa to a foreign national who does not qualify for an NIE. **This is happening, despite no official pronouncement from the U.S. government or a presidential proclamation restricting visa issuances in countries affected by Proclamation 10143.**

The effect of these policies is to place a **shadow ban** on visa issuances for foreign nationals that do not qualify for an NIE, particularly for individuals who would otherwise qualify for a nonimmigrant visa, especially in petition-based categories. This becomes particularly frustrating because recent evidence suggests embassies have open appointment slots that could be taken by visa applicants who do not qualify for an NIE. Visa applicants who do not qualify for an NIE are prevented from scheduling during these open appointment slots for fear of a visa denial.

If you have any question, feel free to reach out to us.

INLG PLLC
PO Box 842022
Pearland, TX 77584
<https://nationalitylawyers.com/>
lawyers@nationalitylawyers.com
Office: +1 713 397 4997 or +1 281 908 6450
Fax: +1 210 519 0058
Office hours: 9 a.m. to 5 p.m. (CT)