



GMS Flash Alert

Immigration Edition

2020-051 | March 9, 2020



United States - Administration Announces Visa Restrictions on Six Additional Countries

U.S. President Donald Trump signed a [presidential proclamation](#) on January 31, 2020, suspending the issuance of certain immigrant visas to foreign nationals from several specified countries subject to some exceptions.¹ The proclamation took effect on February, 21, 2020, and impacts the following countries: Eritrea, Kyrgyzstan, Myanmar (Burma), Nigeria, Sudan, and Tanzania.

These restrictions follow a travel ban currently in effect for certain nationals of Iran, Libya, North Korea, Somalia, Syria, Venezuela, and Yemen in various visa classifications (see GMS [Flash Alert 2017-045](#), March 7, 2017). The administration's position is that an expansion of the travel ban to include the additional countries is necessary for national security and to encourage the named countries to take active steps to satisfy certain security requirements for its citizens to travel to the United States.

WHY THIS MATTERS

Effective February 21, 2020, foreign nationals from the above-noted countries who are outside the United States and do not possess a valid nonimmigrant or immigrant U.S. visa, are not able to receive immigrant visas and enter the United States as lawful permanent residents unless they fall under one of the exemptions or obtain a waiver as explained later in this article.

It is critical that employers and employees monitor the status of this situation as any change in the legal position could have serious consequences on an individual's ability to enter or re-enter the United States if he or she is among the categories of individuals covered under the presidential proclamation, with ramifications for work, family reunion, etc.

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More Details

- Effective February 21, 2020, foreign nationals from Eritrea, Kyrgyzstan, Myanmar (Burma), and Nigeria are not to be issued most types of immigrant visas.
- Additionally, effective February 21, 2020, foreign nationals from Sudan and Tanzania will not be issued Diversity Lottery immigrant visas. However, foreign nationals from Sudan and Tanzania are still eligible for other types of immigrant visas, including those pursuant to family-based and employment-based immigrant visa petitions.
- Immigrants who receive visas before February 21, 2020, are still able to travel to the United States. Nonimmigrant visas, including visas for students, certain temporary workers, and visas reserved for potential employees with specialized skills, will not be affected by the ban.
- Nonimmigrant visa issuance is not affected by the proclamation.

Some Exceptions and Waiver Possibilities

Several classes of foreign nationals are exempt from the new restrictions. These include:

- current U.S. lawful permanent residents;
- dual nationals traveling on a passport from a non-restricted country;
- foreign nationals who hold a valid U.S. visa or advance parole; and
- foreign nationals who are physically in the United States or hold a valid visa or other travel document on February 21, 2020.

Foreign nationals will also be able to apply for waivers from the restrictions. (Waivers are discretionary and very difficult to obtain.) Foreign nationals will have to demonstrate that that they will suffer undue hardship if denied entry, and that their entry would not pose a threat to U.S. national security or public safety amongst meeting other criteria to obtain such waivers.

KPMG NOTE

Affected foreign nationals currently in the U.S. on a valid visa, should remain in the U.S. and refrain from international travel if their visa will expire in the next three months.

Employers should identify individuals that will be impacted by these new visa restrictions and work with their immigration counsel to mitigate any potential issues.

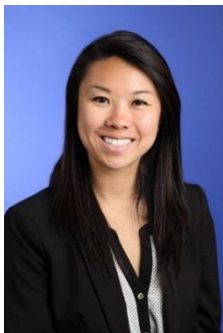
KPMG Law LLP in Canada will continue to monitor the situation, and will endeavor to keep GMS *Flash Alert* readers informed as developments occur.

FOOTNOTE:

1 See the Presidential Proclamation by clicking [here](#).

Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or one of the following professionals with the KPMG International member firm in Canada:



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