

State Dept. Asks Visa Seekers Denied By Trump To Reapply

By Asher Stockler

Law360 (April 2, 2021, 3:11 PM EDT) -- The Biden administration invited foreign nationals seeking to work in the United States in specialty occupations, as fashion models or on landscaping sites to reapply for temporary visas after a Trump-era immigration ban expired earlier this week.

In a notice Thursday, the U.S. Department of State said foreigners who were denied H-1B, H-2B, J and L temporary visas — which cover various categories of work including scientific research, defense-related assignments and landscaping jobs — under former President Donald Trump's June 2020 proclamation would be allowed to reapply.

Esther Sung, the legal director for the Justice Action Center, was one of many immigration reform advocates who hailed the expiration of Trump's proclamation Wednesday.

"We are relieved that President Biden has allowed another one of former President Trump's odious bans to fall," she said in a press release. "Doing so allows this country to take another step back to a functional immigration system that allows employers to recruit brainpower and manpower from around the world to power our economy and fuel the engines of our innovation."

In February, Biden rescinded a related ban that had prevented new immigrants from coming to the United States, but allowed the policy as applied to certain work visa applicants to continue until its expiration this week.

The State Department said visa seekers whose applications are still technically active will have their interviews scheduled according to the department's phased resumption of visa services.

The department wound down visa processing during the coronavirus pandemic and says processing levels will return to normal on a post-by-post basis, with specific consulates and embassies offering increased services based on their individual capacities.

Emergency appointments may be available for individuals who need to "travel immediately" to the U.S. because of an urgent matter, the department said.

Morgan Lewis partner Eleanor Pelta said Wednesday the decision to let Trump's proclamation expire is good news, particularly for multinational companies that have had key resources stranded abroad due to the restrictions since last summer.

"As U.S. consular posts around the world are still operating at reduced capacity, there will still be challenges to obtain visa issuance appointments for transferees, and those traveling from countries with which we have COVID-related entry restrictions will still have to deal with those barriers," Pelta said.

--Additional reporting by Dorothy Atkins. Editing by Stephen Berg.

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