

PUBLICATION

Court Enjoins Proclamation Banning H, J, L Visas

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On October 1 a federal district court in California immediately enjoined the implementation of the President's Proclamation against the issuance of visas in the H, L, and J classifications, pending further hearings in the case. The court concluded that the Proclamation eviscerated the balance of concerns reflected in the Immigration & Nationality Act giving rise to such visa classifications and thus exceeded the President's authority. The order technically only benefits members of the plaintiff organizations in the case, which are the National Association of Manufacturers, Chamber of Commerce of the United States of America, National Retail Federation, Technet, and Intrax, Inc. Nevertheless, it seems possible that the State Department will choose to implement the order more broadly.

Even for workers of these plaintiff member organizations, the injunction does not solve the systematic unavailability of visa interview appointments at most U.S. consulates throughout the world due to short staffing in light of COVID, and visa applicants and travelers still face the restrictions on travel for those who have been in certain countries (China, Iran, Brazil, the Schengen area [Europe], United Kingdom, and Ireland) during the 14 days before seeking U.S. entry. Workers seeking visas will need to show special interests to obtain expedited appointments and "national interest" to waive the 14-day restrictions.

The government may appeal to the Ninth Circuit Court of Appeals, which already affirmed a similar ruling concerning a Proclamation prohibiting visas to people without certain health insurance. The Supreme Court could take action, but the technical limitation to plaintiffs' members may insulate the decision in the near term.

If you have any questions, please contact [Robert Divine](#) or any member of Baker Donelson's [Immigration Team](#).