

Does Latest Presidential Proclamation Apply to Canadians?

By [Elizabeth M. Klarin](#)

June 23, 2020 | **IMMIGRATION**

Discussion continues over whether Canadians in or seeking H-1B, H-2B, L-1 or J-1 status (and their dependent family members) are exempt from the new rules under yesterday's U.S. Presidential Proclamation. The vast consensus is that they are or should be, but there appear to be conflicting reports on policy coming from Customs and Border Protection sources at various ports of entry and pre-flight inspection.

Canadians are “visa exempt” for most status categories permitting them to enter the U.S. and work —meaning that in most cases, they do not require a visa or visa waiver registration to enter the U.S. This means that under normal circumstances, for example, they may be admitted to the U.S. in H-1B, H-2B, L-1 or J-1 status if they either (1) show that they have already been approved for work authorization (e.g., with an I-797 Approval Notice from U.S. Citizenship and Immigration Services) or (2) obtain approval for (certain types of) work authorization at a designated port of entry or pre-flight inspection. As the proclamation specifically suspends entry into the U.S. of foreign nationals seeking entry pursuant to certain “nonimmigrant visas,” there is, therefore, speculation regarding whether Canadians may continue to apply for new H-1B, H-2B, L-1 or J-1 status, and enter the U.S. on prior or new H-1B H-2B, L-1 or J-1 status approvals.

LMWF’s immigration team will post updates as we verify facts regarding the policy and implementation impacts of yesterday’s proclamation on Canadians.

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