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Menendez, Colleagues Urge Biden to Immediately Rescind Trump Administration Ban on Seasonal, Employer-Sponsored, and Cultural Exchange Visas

Continuation of visa ban threatens to harm wide cross-section of families, businesses, and communities

Washington, D.C. — Today, U.S. Bob Menendez (D-N.J.), Cory Booker (D-N.J.), Michael Bennet (D-Colo.), Jeanne Shaheen (D-N.H.), and Angus King (I-Maine) urged President Joe Biden to rescind former-President Donald Trump’s ban on seasonal, employer-sponsored, and cultural exchange visas under Proclamation 10052.

In June 2020, Trump instituted Proclamation 10052, halting the processing of non-immigrant H-1B, L-1, H-2B, and J-1 visas, based on alleged potential risk to the labor market. Yet because the visas that Proclamation 10052 halted either target low-unemployment professions or require that the visa holder does not displace an American worker, businesses that rely on foreign workers have struggled to fill jobs despite increased unemployment. Reports have [suggested](#) that jobs in fields such as information technology -- which H-1B visa holders would have filled -- have remained open or were moved overseas.

“The continuation of this ban creates delays and uncertainties for U.S. employers, their foreign-born professional workers, and their families,” **wrote Menendez and his colleagues in a letter to President Joe Biden.** “Rather than attracting talented individuals to the United States, allowing these bans to remain in effect makes the immigration system harder to navigate and drives foreign talent to other countries.”

Additionally, many businesses in seasonal communities that Proclamation 10052 has affected rely on foreign workers to meet the demand of the high-visitation summer months. Failing to immediately revoke the visa ban threatens both workers and

employers in these communities who cannot adequately and safely prepare for the surge season.

“Every day these visa bans remain in place undermines our collective vision for a new, more prosperous and welcoming nation. We urge you to follow through on your promise to rescind Proclamation 10052 without delay, resume timely processing of nonimmigrant visas, and direct U.S. Embassies and Consulates to open up visa appointments for nonimmigrant visas as soon as possible,” **concluded the senators.**

The text of the letter is available [HERE](#) and below.

Dear President Biden:

We thank you for your leadership and bold actions to reform the immigration system in your first weeks in office. We write to urge you to rescind the previous Administration’s visa ban under Proclamation 10052 and direct your consulates to resume timely processing of nonimmigrant visas. This Proclamation barred the entry of thousands of people seeking to enter as temporary workers and continues to harm a wide cross-section of families, businesses, and communities across the country.

Although your Administration rescinded the discriminatory travel bans from Muslim-majority and African nations and permanent immigrants, the ban on seasonal, employer-sponsored and cultural exchange visas continues to harm U.S. businesses that rely on these workers to operate. Although Proclamation 10052 is set to expire on March 31, 2021, businesses have indicated that inaction will further harm their businesses and economic recovery. Despite the increased unemployment due to the coronavirus pandemic (COVID-19), businesses that rely on foreign workers struggled to fill jobs as the nonimmigrant categories affected by PP10052 either target low-unemployment professions (e.g., H-1B and L-1 visas) or require that the nonimmigrant will not displace an American worker (e.g., H-2B, J-1). Several of these categories (H-2B and J-1 Summer Work Travel and Camp Counselor) by regulation are seasonal and heavily used during the summer months, when seasonal communities across the country welcome an influx of visitors. Failing to revoke the Proclamation immediately places these programs at risk because both workers and employers cannot adequately prepare for the surge season.

Looking ahead to long-term economic recovery, the deficit of foreign workers to fill available American tech jobs will worsen through any further lack of access to foreign talent. Reports also suggest that many jobs in fields such as information technology that would have been filled by H-1B nonimmigrants have remained open or were moved permanently overseas. Moreover, these same businesses have also noted that Proclamation 10052, coupled with defunct executive orders, has kept U.S. citizens and permanent residents separated from their parents, adult children, and siblings. We believe that it’s possible to continue processing these visas while also preventing the spread of the COVID-19 pandemic. This specific Proclamation is not premised on the safety and welfare of American citizens.

The continuation of this ban creates delays and uncertainties for U.S. employers, their foreign-born professional workers, and their families. It's also inconsistent with the previous messages and positions on this Administration. Rather than attracting talented individuals to the United States, allowing these bans to remain in effect makes the immigration system harder to navigate and drives foreign talent to other countries. We welcome your commitment to addressing the flaws in our immigration system and protecting our economy during the COVID-19 pandemic.

Every day these visa bans remain in place undermines our collective vision for a new, more prosperous and welcoming nation. We urge you to follow through on your promise to rescind Proclamation 10052 without delay, resume timely processing of nonimmigrant visas, and direct U.S. Embassies and Consulates to open up visa appointments for nonimmigrant visas as soon as possible.

Sincerely,

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