

Presidential Proclamation Establishing New Visa and Entry Restriction for Certain Students and Researchers from China: Frequently Asked Questions

When does the new presidential proclamation become effective?

The effective date of the presidential proclamation is June 1 at 12:00 p.m. (EST).

For how long is the presidential proclamation in effect?

The presidential proclamation will remain in effect until the President terminates it.

To whom does the presidential proclamation apply?

The new restriction applies to any foreign national (citizen) of China who wants to enter or is currently present in the United States on a F or J visa to engage in graduate study or conduct research and who either 1) receives funding from or 2) currently is employed by, studies at, or conducts research at or on behalf of an entity in China that implements or supports China's "military-civil fusion strategy." The restriction does not apply to undergraduate students entering the U.S. to study.

What is "military-civil fusion strategy?"

The proclamation defines "military-civil fusion strategy" as actions by or at the request of the Chinese government to "acquire and divert foreign technologies, specifically critical and emerging technologies, to incorporate into and advance" China's military capabilities.

Does the proclamation specify which entities are affiliated with the Chinese government's military-civil fusion strategy?

No. Neither the proclamation nor any federal guidance or policy lists specific entities or organizations that are affiliated with China's military-civil fusion strategy.

Are there any exceptions to this presidential proclamation?

Yes. Limited exceptions to the restriction are detailed in the presidential proclamation.

Does the new entry restriction require an international student and scholar from China to leave the United States?

No. The new restriction does not require anyone from China to depart the U.S. The restrictions do not affect the immigration status for those who are already present in the United States. The U.S. government will not ask them to leave the country as long as they maintain their current immigration status.

Can the new presidential proclamation and entry restrictions cancel (revoke) a valid nonimmigrant visa stamp in one's passport even if the Chinese graduate student or scholar is already in the United States?

Yes. The new proclamation directs the Department of State to consider whether or not a F or J visa of a Chinese foreign national currently in the United States should be revoked under the criteria stated in the proclamation.

If the visa of an international student or scholar from China is revoked under this proclamation does that require them to leave the United States?

No. If one's visa is revoked (cancelled), the student or scholar does not need to depart the United States but if they want to depart the United States and return, they will need to apply for a new visa stamp at a U.S. consulate or embassy abroad.

Does the new presidential proclamation affect current (or future) Chinese graduate students or scholars at the University of Colorado Colorado Springs who are outside of the United States and wish to re-enter the country?

Yes. The presidential proclamation does affect foreign national (citizens) of China who are entering or re-entering the United States on F or J visas in order to engage in graduate study or research. If the Department of State or Department of Homeland Security determine that a Chinese graduate student or scholar is to engage in graduate study or conduct research in the United States and either 1) receives funding from or 2) currently is employed by, studies at, or conducts research at or on behalf of an entity in China that implements or supports China's "military-civil fusion strategy," they will be denied a visa and/or entry to the United States unless they fall under one of the exceptions stated in the proclamation.

Are there any other presidential proclamations that may impact the ability of an international student or scholar to return to the United States?

Yes. In addition, as a result of confirmed cases of COVID-19 in the United States, on Jan. 31, the federal Health and Human Services declared a public health emergency. Thereafter presidential proclamations temporarily limited the entry of foreign nationals from certain countries. A foreign national (not a U.S. citizen or U.S. permanent resident) that travels to China, Iran, Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom, Ireland, or Brazil, will not be able to enter the United States until 14 days have passed unless the foreign national meets the definition of an immediate family member of a U.S. citizen or a permanent resident. These restrictions remain in effect until the president terminates them.

Will this presidential proclamation result in other actions that may impact a Chinese graduate student or scholar's ability to receive another type of nonimmigrant (temporary) visa or U.S. permanent residency ("green card" or immigrant) status?

Maybe. The presidential proclamation requires the Department of State and Department of Homeland Security secretaries to review nonimmigrant and immigrant programs within 60 days of the effective date and recommend any other measures to "mitigate the risk posed by the PRC's acquisition of sensitive United State technologies and intellectual property" to the president.

Are there online resources available if I want to read more about the new entry restrictions?

The text of the presidential proclamation is posted on the White House website in the news section under "Presidential Actions."