

President Trump Issues Proclamation Targeting Certain Chinese Graduate Students and Researchers Seeking to Study or Conduct Research in the U.S.

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On May 29, 2020, President Trump issued a proclamation suspending the entry of certain Chinese F-1 and J-1 foreign students and exchange visitors who have ties to Chinese institutions that support the People's Republic of China (PRC) military initiatives. The proclamation went into immediate effect on June 1, 2020.

Who is Impacted by this Presidential Proclamation?

The proclamation prohibits Chinese graduate students and researchers from using F-1 or J-1 visas to enter the U.S. for graduate studies or research if they have been funded by, or have been affiliated or associated with, entities that support the Chinese government's military-civil fusion (MCF) strategy. The proclamation defines the PRC's MCF strategy as "actions by or at the behest of the PRC to acquire and divert foreign technologies, specifically critical and emerging technologies, to incorporate into and advance the PRC's military capabilities." This includes individuals who had already received their F-1 or J-1 visa prior to the effective date of the proclamation.

Who is Exempt from this Presidential Proclamation?

Chinese nationals coming to the U.S. for undergraduate study are exempt, as are Chinese nationals coming for graduate study in a field that does not relate to the PRC's MCF strategy. The proclamation did elaborate on these exemptions.

Also exempt are: spouses of U.S. citizens and lawful permanent residents, foreign nationals in the armed forces (and their spouses and children), foreign national whose entry is in the national interest of the U.S., or whose entry would further important U.S. law enforcement objectives.

What Will Happen to Chinese Graduate Students and Researchers who are Already in the U.S.?

While the proclamation did not automatically cancel or revoke the visas in the passports of Chinese graduate students and researchers already in the U.S., it did direct the Department of State (DOS) to consider whether to revoke them. In addition, the proclamation directs both the DOS and Department of Homeland Security (DHS) to consider amending existing regulations to define a ground of inadmissibility to the U.S. on the basis of membership in a totalitarian party. The order also directs these agencies to make recommendations within a 60-day timeframe regarding additional measures to be taken to lessen the risk of the PRC's gain of sensitive U.S. technologies and intellectual property.

Next Steps

We expect that DOS and DHS will further elaborate on the application of this proclamation to Chinese visa applicants and Chinese students and researchers already in the U.S. and we will provide additional updates as soon as they become available.

If you have a question about an impacted Chinese national, please contact your Mintz immigration attorney.

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