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June 10, 2020

Certain Chinese Students and Researchers Restricted From Entry Into the United States

On May 29, 2020, President Donald Trump issued a proclamation restricting the entry of certain Chinese national students and researchers into the United States pursuant to F or J visas to study or conduct research in the United States. More specifically, graduate-level and higher students and researchers who are seeking to enter the United States pursuant to F or J visas and who receive funding, are employed by, study at, or conduct research on behalf of an entity in China that implements or supports China's "military-civil fusion strategy" are suspended from entry. The proclamation defines military-civil fusion strategy as "actions by or at the behest of [China] to acquire and divert foreign technologies, specifically critical and emerging technologies, to incorporate into and advance [China's] military capabilities."

These restrictions do not apply to the following:

- Undergraduate students
- Lawful permanent residents
- Spouses of United States citizens or lawful permanent residents
- Members of the United States armed forces or spouses and children of members of the armed forces
- A foreign national whose travel falls within the scope of section 11 of the United Nations Headquarters Agreement or who would otherwise be allowed entry into the United States pursuant to United States obligations under applicable international agreements
- A foreign national who is studying or conducting research in a field involving information that would not contribute to China's military-civil fusion strategy as determined by government agencies
- A foreign national whose entry would further important United States law enforcement objectives as determined by government agencies and the attorney general
- A foreign national whose entry would be in the national interest, as determined by the U.S. secretary of state, the U.S. secretary of homeland security, or their respective designees

The proclamation also provides that the U.S. State Department may revoke visas from Chinese nationals who are currently in the United States in F or J status. It is not clear whether restrictions apply to students seeking to enter the United States under a post-graduation Optional Practical Training (OPT).

The proclamation went into effect on June 1, 2020, at 12:00 p.m. ET and will remain in effect until terminated by the president.

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