



GMS Flash Alert

Immigration Edition

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United States - New Proclamation Limiting Entry of Certain Chinese Students, Researchers

On May 29, 2020, U.S. President Donald Trump issued a proclamation that will prevent certain graduate students and researchers who are nationals of the People's Republic of China ("PRC" or "China") from entering the United States (U.S.) pursuant to an F or J nonimmigrant visa if they have ever been funded by, enrolled in, employed by, or involved in research for an entity that supports the PRC's "Military-Civil Fusion" strategy.¹ The objective of the proclamation is to reduce the risk that U.S. technologies and intellectual property may be acquired and diverted to advance Chinese military interests.

The proclamation takes effect at 12:00pm EDT on June 1, 2020.

WHY THIS MATTERS

Employers and educational institutions with students, faculty, researchers, and trainees who are PRC nationals and covered under this proclamation should monitor the status of this situation, as any change in the visa validity of these individuals could have consequences on their ability to enter or re-enter the United States.

Background

The F-1 Student Visa allows foreign nationals to enter the U.S. to engage in studies at an accredited college, university, seminary, conservatory, or other academic institutions.

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The J-1 Exchange Visitor Program allows foreign research scholars, professors, and trainees to study, research, consult, train, and gain exposure to U.S. culture as they gain valuable experience in their chosen occupational field.

F-1 and J-1 visa holders are allowed to visit the U.S. for periods ranging from a few weeks to several years. Both visa programs remain popular among foreign students and American institutions, as they promote cultural exchange between countries and facilitate education, research, and skill development.

Exceptions

Chinese nationals not impacted by the proclamation include:

- Undergraduate students;
- Lawful permanent residents of the U.S.;
- Spouses of a U.S. citizen or lawful permanent resident;
- Members of the U.S. Armed Forces and the spouse or child of a member of the U.S. Armed Forces;
- Those whose travel falls within the scope of section 11 of the United Nations Headquarters Agreement or who would otherwise be allowed entry into the U.S. pursuant to obligations under certain international agreements;
- Individuals studying or conducting research in fields involving information that would not contribute to China's "Military-Civil Fusion" strategy (note that these fields are not specified in the proclamation);
- Persons seeking entry to further important U.S. law enforcement objectives;
- Those seeking entry in the national interest of the U.S.; and
- Individuals seeking asylum, refugee status, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, consistent with the laws of the United States.

Other Details

The proclamation shall remain in effect until terminated by the president.

The secretary of state maintains discretion to revoke visas of those who are currently in the U.S. pursuant to an F or J visa and meet the suspension criteria. Typically, visa revocations are handled by the U.S. Department of State. A revoked visa is no longer valid and, therefore, may not be used to seek admission to the United States.

The proclamation also directs U.S. immigration authorities to review both nonimmigrant and immigrant visa programs within 60 days and recommend other measures that the president may implement to reduce the risk of U.S. technology and intellectual property being acquired and used to further Chinese military capabilities.

KPMG NOTE

The New York Times reports that there are approximately 360,000 Chinese students in the U.S., and visa revocations could affect at least 3,000 of these students, some of whom are working on critical projects.²

FOOTNOTES:

1 See May 29, 2020 "[Proclamation on the Suspension of Entry as Nonimmigrants of Certain Students and Researchers from the People's Republic of China.](#)"

2 See E. Wong and J.E. Barnes, "U.S. to Expel Chinese Graduate Students With Ties to China's Military Schools," *The New York Times* (online), May 28, 2020 at: <https://www.nytimes.com/2020/05/28/us/politics/china-hong-kong-trump-student-visas.html> . (Note that this is a 3rd party (non-governmental, non-KPMG) website. Providing this link does not represent an endorsement of this website by KPMG.)

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