

## Questions from the “Update on the June 22, 2020 Presidential Proclamation concerning temporary work visas” WebEx Discussion on 6/24/20

### J-1 Questions

My girlfriend is a teacher on a J1 visa. As she is currently in the US she is fine but would she be able to leave the US and reenter under this proclamation?

- *She should seek advice from her immigration sponsor.*

Do I understand correctly that we cannot get new employees in with J-1 visa?

- *JPL is still able to sponsor the J research scholar category but for postdocs and TMS only. Regular employees cannot be on a J.*

What is the situation for J1 Research scholar in the US with valid D/S 2019, but expired visa?

- *This does not impact J1 Research Scholars.*

How will this affect the J1/JPL renewal process that usually happens in the fall?

- *This does not impact J1 Research Scholars.*

I have applied for an extension of my J1 status for my second year of postdoc. Would there be any impact on its processing and approval due to the recent Executive orders on immigration visa?

- *This does not impact J-1 Research Scholars.*

### NPP Questions

How does this affect FN applicants to the NASA postdoc program who are not currently in the U.S ?

- *The new executive order should not affect foreign national NPP Fellows currently in the US with valid J-1 visas. The order does not apply to the J-1 category (Research Scholar, Short-Term Scholar) used in USRA's Exchange Visitor Program. There are other factors that will certainly affect current Fellows and future applicants. These are already in place. For example, we are still under a Global 4 (Do Not Travel) Advisory. In addition, many embassies and consulates are currently closed to routine visa processing, so even if NASA accepts a foreign national applicant and USRA processes the paperwork, obtaining a visa may not be possible until conditions change. If you have specific questions related to this topic, please reach out to NPPHR@usra.edu for assistance.*

## **H-1B Questions**

What about renewing your visa, even if it's 6 months out - for H1B

- *H1B extensions are still permitted as long as you remain in the United States.*

So there should be no issue going from one visa type to another, as long as you were in the country on June 24, e.g. going from J-1 to H-1B?

- *Changes of status in the United States are still permitted.*

If my change of status to H1B from OPT is approved - then can I leave the country when appropriate for H1B Visa stamping in my home country?

- *The Department of State has said will not issue any H-1B visas while this proclamation is in effect.*

I noted you mentioning that change of status from F1-OPT to H1-B is fine. But if someone was to leave the country, then H visa stamping at a consulate can't be done, as per this proclamation. Is my understanding correct?

- *Yes.*

## Other Questions

How does this affect current postdocs applying for a green card ?

- *No impact on adjustment of status.*

Sorry if you're sure that this doesn't apply, is travel permitted?

- *JPL does not recommend that you travel.*

Could new hires who reside in a foreign country work for JPL remotely from their home country without having to apply for a visa?

- *Managers should reach out to their HRBP to discuss hiring practices for regular and TMS employees. Managers should contact the Postdoc Office if hiring a postdoc.*

How long does change of status from F1 to J1 take from within the US? This is for an incoming NPP. Is it better to wait till consulates open, get a J1 outside the country and return to the US?

- *Please refer to this website for processing times: <https://egov.uscis.gov/processing-times/>*

Are there support resources JPL is providing to deal with the mental health effects of this order, and will JPL be taking a public position on this?

- *Please refer to the following resources:*
  - *JPL Postdocs: [My Life Matters](#)*
  - *NPP fellows: NPP fellows enrolled in USRA's benefit plans are covered under the AETNA POS II medical plan, which covers mental health. To find a Mental health provider, go to [www.aetna.com](http://www.aetna.com). Fellows may also speak to a doctor via Teledoc's 24 hour access. The number is 1-855-835-2362.*
  - *JIFRESSE & Visiting postdocs: please contact [postdocs@jpl.nasa.gov](mailto:postdocs@jpl.nasa.gov) for guidance*

What are the rules related to emergency travel if for an example a family member becomes ill in one's home country?

- *The proclamation does not limit travel from the United States to other countries.*

Is the change of status from J1 to H1B still possible (for people in the US), and are we allowed to work right after the change request is filed? Or do we need to wait for an approval? Same question for H1B renewal/extensions.

- *Applications like Change of Status and Extension of Status from within the United States are still being processed. If it is a Change of Status, you must have the approval notice in hand with an appropriate start date to continue working after the expiration date of your previous status.*

What is the current wait time for green card filing through JPL, assuming these applications were not affected by the EO?

- *JPL does not sponsor green cards for postdocs. However, postdocs can look into self-sponsored petitions themselves if they wish.*

How will the USCIS press release on the likely USCIS furloughs affect us?

<https://www.uscis.gov/news/news-releases/deputy-director-policy-statement-uscis-fiscal-outlook>

- *Unknown at this time. Likely to increase processing times for any USCIS petitions and wait times at field offices.*

What is the procedure to contact congress people (and other rep.) to help get a national interest exemptions?

- *Not sure members of congress can actually help argue the "national interest" exemption. All they can help to do is push this to the top of the que and bring attention to the matter.*

What is the underlying process and the timeline to implement Sec5 b) and c) of the EO and what could it look like in practice?

- *The proclamation does not address a timeline for these provisions.*
- *The EO went into effect the day it was signed and will remain in place until the end of this calendar year. If there is a new President, all existing EOs get wiped away. If President Trump remains in office, he will need to sign another EO in January as this one expires at the end of the year. Either way, there will need to be a new EO in January or the temporary ban on VISAs automatically goes away. In practice, some of this is moot since Covid-19 has halted most VISA work anyway.*