

Executive Order Suspends Entry of Certain Students and Researchers from China

June 5, 2020

President Trump has signed an executive order suspending the entry of certain students and researchers from China (our article covering the previous order temporarily limiting the entry of certain immigrants can be found [here](#)). The May 29 order was effective at 12:00 p.m. EDT on June 1, 2020, and will remain in effect until terminated by the President.

The order applies to graduate-level and higher students and researchers from the People's Republic of China ("PRC") (mainland China, not including Hong Kong, Macau, and Taiwan) applying for F or J visas or seeking entry into the United States who:

- Receive funding from or are or were employed by, studied at, or conducted research at or on behalf of, an entity in the PRC that implements or supports the PRC's military-civil fusion strategy.

"Military-civil fusion strategy" is defined 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."

The order expressly exempts Chinese undergraduate students and provides other exemptions, including exemptions for spouses of U.S. citizens and legal permanent residents and members of the U.S. Armed Forces and their immediate family members.

In addition to those seeking admission as F or J nonimmigrants, the Secretary of State will consider whether the visas of PRC nationals currently in the United States in F or J status, to which the executive order would otherwise apply, should be revoked.

The order includes a provision for the Secretaries of State and Homeland Security to review nonimmigrant and immigrant visa programs within 60 days of the order and make recommendations of any other measures requiring Presidential action *"that would mitigate the risk posed by the PRC's acquisition of sensitive United States technologies and intellectual property."*

Please contact the authors or your Miller Canfield attorney with further questions.

This information is based on the facts and guidance available at the time of publication, and may be subject to change.