

# Presidential Proclamation Suspends Entry by Certain Immigrants for 60 Days during COVID-19 Crisis

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April 23, 2020

A temporary suspension of entry by certain employment-based, family-based, and other immigrants has been enacted. President Donald Trump signed the ["Proclamation Suspending Entry of Immigrants Who Present Risk to the U.S. Labor Market During the Economic Recovery Following the COVID-19 Outbreak"](#) on April 22, 2020. The Proclamation goes into effect at 11:59 p.m. (EDT) on April 23, 2020, and the suspension will last 60 days.

## Purpose

The stated reason for the Proclamation is to protect U.S. workers who exist at margins between employment and unemployment during this time of high domestic unemployment. In fact, rather than banning all immigration, as the President initially considered, the final proclamation is limited to restricting immigration of new permanent residents to the U.S. for 60 days, until June 22, 2020. The Proclamation leaves open the possibility of continuing the restrictions beyond 60 days.

The Proclamation also calls for an interagency review of nonimmigrant programs to provide recommendations to the President of other measures appropriate to stimulate the U.S. economy and ensure the prioritization, hiring, and employment of U.S. workers. This signals the possibility of future measures restricting nonimmigrant visas.

## Individuals Affected and Not

The Proclamation affects foreign nationals applying for permanent residence who are outside of the U.S. when the Proclamation goes into effect.

The following immigrants are not affected:

- Individuals who are in the U.S. and have, or plan to, apply for adjustment of status in the U.S.
- Individuals who already have approved immigrant visas when the Proclamation goes into effect.
- Individuals who have official travel documents such as a transportation letter, an appropriate boarding foil, or an advanced parole document that are valid when the Proclamation goes into effect or are issued in the future.
- Any lawful permanent residents of the U.S.
- Individuals seeking to enter the U.S. as permanent residents to work as physicians, nurses, or other healthcare professionals and their spouses or minor children.
- Medical researchers who intend to work to combat the spread of COVID-19 and their spouses or minor children.
- Any individuals applying for visas to enter the U.S. pursuant to the EB-5 Immigrant Investor Program.
- Any spouse, minor child, or prospective adoptee of a U.S. citizen.
- Any alien whose entry would further important U.S. law enforcement objectives.
- Any members of the U.S. Armed Forces or their spouses or children.
- Special Immigrants or their spouses or children.
- Individuals who seek asylum, refugee status, withholding of removal, or protections under the Convention Against Torture.

The following groups of individuals who may be in the permanent residency process through U.S. consulates are primarily affected:

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- Parents and other family members of U.S. citizens (except spouses and unmarried children) or legal permanent residents, including spouses and children of legal permanent residents.
- Most individuals seeking to enter the U.S. through the Diversity Lottery.
- Individuals applying *from abroad* for employment-based immigrant visas, including those seeking extraordinary ability, outstanding professor or researcher, and certain multinational managers and executives (unless involved in healthcare or COVID-19 research).

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It is unclear how limiting permanent resident processing for 60 days will affect the economy, when the embassies and consulates abroad already are not open for any routine visa processing due to COVID-19. Perhaps it means that consulates will process visas for those applicants who are not barred by the Proclamation — primarily healthcare workers, investors, members of the military, and refugees or asylees. If that is the intention, these new restrictions may signal a partial reopening of what has been a closed door. Some have pointed out that the Proclamation serves a long-standing aim of the Trump Administration by restricting a number of family-based immigrant visa categories, as well as Diversity Lottery visas.

Jackson Lewis attorneys are available to assist you with strategies to deal with the new Proclamation. Jackson Lewis has a dedicated team tracking and responding to the developing issues facing employers as a result of COVID-19. Please contact a team member or the Jackson Lewis attorney with whom you regularly work if you have questions or need assistance.

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