

President Trump's new executive order suspending entry of immigrant visa applicants

April 23, 2020

On April 22, 2020, President Trump issued a Proclamation titled "Suspending Entry of Immigrants Who Present Risk to the US Labor Market During the Economic Recovery Following the COVID-19 Outbreak." This Proclamation comes after the President's initial announcement on Monday evening that "US immigration" would be temporarily suspended to protect the jobs of US workers. **The new Proclamation applies immediately (effective 11:59 pm (ET) on April 23, 2020)** and will expire 60 days from its effective date unless it is extended or modified.

General Conditions of the New Presidential Proclamation

Applies/imposes: the suspension and limitation on entry to the United States only to individuals who:

- are outside the United States on the effective date of this proclamation;
- do not have an immigrant visa that is valid on the effective date of this proclamation; and
- do not have an official travel document other than a visa (such as a transportation letter, an appropriate boarding foil, or an advance parole document) that is valid on the effective date of this proclamation or issued on any date thereafter that permits him or her to travel to the United States and seek entry or admission.

Does not apply to

- US lawful permanent residents.
- Spouses and unmarried children under 21 of US citizens.
- The United States and Citizenship Services' (USCIS) processing of employment or family-based immigrant visa petitions (Form I-140 and Form I-130) or those in the United States with pending Forms I-140 and I-485 (Applications for Adjustment of Status).
- Adjustment of Status (Form I-485) applicants who can apply for their green cards from within the United States and do not need to obtain an immigrant visa at a consulate abroad.
- Foreign physicians, nurses or other healthcare professionals (and accompanying spouses and unmarried children under 21) applying for immigrant visas to perform research to combat the spread of COVID-19, or to perform work essential to combating, recovering from or alleviating the effects of the COVID-19 outbreak.
- Those applying for EB-5 immigrant Investor visas.

- Individuals whose entry is in the national interest.
- Individuals who would further US law enforcement objectives.
- Certain classes of Special Immigrant Visa applicants and their family members.
- Members of the US Armed Forces and their spouses and children.

Please note that the new Proclamation only applies to immigrant visa applicants and does not impact those already in the United States or temporary visa applicants, such as those applying for the F-1, H-1B, L-1, or other nonimmigrant visa categories.

The Proclamation will be reviewed no later than 10 days before the current expiration date to determine whether it should be extended or modified. The Proclamation also requires, within 30 days, that the US Secretaries of Labor, Homeland Security, and State review nonimmigrant visa programs and recommend to the president other measures “appropriate to stimulate the United States economy and ensure the prioritization, hiring, and employment of United States workers.”

We will continue to monitor the implementation of the new Proclamation, keep abreast of any additions, and notify you of any material changes.

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