

President Trump Issues Executive Order Limiting Immigration for Certain Green Card Applicants

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Practice Areas

Business Immigration

On April 22, 2020, President Trump signed a Proclamation suspending and limiting “the entry into the United States of aliens as immigrants” for 60 days effective April 23, 2020 at 11:59 p.m. (ET).

The Proclamation applies to those individuals seeking permanent residence who are currently outside of the U.S. and not those who are already in the U.S. seeking to change their immigration status. Further, nonimmigrant visa holders, such as those with L-1, H-1B and TN status, or individuals outside of the U.S. who intend to apply for nonimmigrant visas are not included in the Proclamation.

However, the Proclamation specifically states and requires that within 30 days of its effective date, the Secretaries of Labor and the Department of Homeland Security, “...in consultation with the Secretary of State, shall review nonimmigrant 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.”

In addition, the Proclamation states it does not apply to lawful permanent residents or individuals, as well as their spouse and children “seeking to enter the United States on an immigrant visa as a physician, nurse, or other healthcare professional; to perform medical research or other research intended to combat the spread of COVID-19; or to perform work essential to combating, recovering from, or otherwise alleviating the effects of the COVID-19 outbreak.”

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The Proclamation also excludes certain individuals seeking investor visas, the spouse, children and prospective adoptees of U.S. citizens, individuals who would further important U.S. law enforcement objectives, members of the Armed Forces, as well as their spouse and children, Special Immigrant Visa holders (including their spouse and children) and individuals whose entry would be in the national interest. It is within the discretion of the U.S. consular officer to determine if an individual falls within the exempted categories outlined above.

The Proclamation does not limit the ability of individuals to apply for asylum, refugee status, or withholding of removal or protection under the Convention Against Torture. While the Proclamation expires 60 days from its effective date, it “may be continued as necessary.”

Laner Muchin will be closely monitoring developments as this Proclamation is implemented.