

Presidential Proclamation Temporarily Suspends Immigration from Abroad

President Trump signed a Presidential Proclamation temporarily suspending entry into the United States of certain categories of immigrants (i.e. those seeking permanent residence). The proclamation's **effective date is April 23, 2020**, and is valid for a 60-day period. The proclamation states that restrictions on immigration are necessary to slow the spread of COVID-19 and help preserve jobs for American workers as the U.S. economy recovers from the effects of the pandemic. The proclamation goes on to state that:

In the administration of our Nation's immigration system, we must be mindful of the impact of foreign workers on the United States labor market, particularly in an environment of high domestic unemployment and depressed demand for labor. We must also conserve critical State Department resources so that consular officers may continue to provide services to U.S. citizens abroad.

Who Is Affected by the Proclamation?

Any individual seeking to enter the U.S. as an immigrant who:

- Is outside the United States on the effective date of the proclamation;
- Does not have a valid immigrant visa on the effective date; and
- Does not have a valid official travel document (such as a transportation letter, boarding foil, or advance parole document) on the effective date, or issued on any date thereafter that permits travel to the U.S. to seek entry or admission.

What are the Exemptions?

The following categories are exempted from the proclamation:

- Lawful permanent residents of the United States;
- Spouses of U.S. citizens;
- Children of U.S. citizens under the age of 21 and prospective adoptees seeking to enter on an IR-4 or IH-4 visa;
- Individuals (and their accompanying spouses or children under the age of 21) seeking to enter the United States on an immigrant visa (1) as a physician, nurse, or other health care professional; (2) to perform medical research or other research intended to combat the spread of COVID-19; or (3) to perform work essential to combating, recovering from, or otherwise alleviating the effects of the COVID-19 outbreak (as determined by the Secretaries of State and Department of Homeland Security (DHS) or their respective designees);
- Individuals applying for a visa to enter the United States pursuant to the EB-5 immigrant investor visa program;
- Members of the U.S. Armed Forces and their spouses and children;
- Individuals and their spouses and children eligible for Special Immigrant Visas as an Afghan or Iraqi translator/interpreter or U.S. government employee (SI or SQ classification);
- Individuals who would further important U.S. law enforcement objectives (as determined by the Secretaries of DHS and State based on the recommendation of the attorney general, or their respective designees); and
- Individuals whose entry would be in the national interest (as determined by the Secretaries of State and DHS, or their respective designees).

It is within the discretion of the consular officers to determine if an individual is within one of the exempted categories outlined above.



Frances Rayer

Member

frayer@cozen.com
Phone: (215) 665-3704
Fax: (215) 665-2013



Scott Bettridge

Chair,
Immigration
Practice

sbettridge@cozen.com
Phone: (305) 704-5953
Fax: (305) 704-5955



Elizabeth A. Ollivera

Associate

eollivera@cozen.com
Phone: (312) 382-3139
Fax: (612) 260-9080

Related Practice Areas

- Immigration Policy & Strategy

What is the Effective Date and How Long Is the Proclamation Valid?

The effective date of the proclamation is April 23, 2020. It is valid for a period of at least 60 days, and may be continued as necessary. Within 50 days of the effective date, the Secretary of DHS shall, in consultation with the Secretaries of State and Labor, recommend whether the president should continue or modify the proclamation.

Are Nonimmigrants (i.e. Temporary Workers on E, H, L, O, P, TN) Covered by This Proclamation?

Nonimmigrant visa holders are not included in the proclamation. The proclamation requires, however, that within 30 days of the effective date, the Secretaries of Labor and DHS, in consultation with the Secretary of State, shall review nonimmigrant programs and recommend to the president other appropriate measures to stimulate the economy and ensure “the prioritization, hiring and employment” of U.S. workers.

Are Asylum Seekers Covered By This Proclamation?

The proclamation states that it does not limit the ability of individuals to apply for asylum, refugee status, withholding of removal or protection under the Convention Against Torture.

What Impact Does This Proclamation Have on Individuals Right Now?

Presently, U.S. consulates and embassies abroad are closed and are not processing immigrant visas. Individuals outside the United States who are pursuing permanent residence through the U.S. consulates are not able to schedule appointments at this time. The Presidential Proclamation does not have a huge impact on individuals seeking permanent residence until the consulates and embassies open again and are ready for business. Whether that will happen within the next 60 days is unknown. Whether the president will extend the proclamation is always a possibility, and some say a probability.

Although the proclamation exempts U.S. citizen spouses and children under the age of 21, other family members are not exempted. Parents, brothers/sisters, and adult children of U.S. citizens will not be able to apply for their immigrant visas.

The immigration attorneys at Cozen O'Connor call help you with questions regarding the proclamation. We will continue to monitor this situation and keep you advised of any developments.