

# Publications

## Proclamation Suspending Entry of Certain Immigrants for 60 Days

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On April 22, 2020, President Trump issued a proclamation suspending the entry of certain immigrants into the United States for 60 days. The proclamation goes into effect at 11:59 p.m. (EST) on April 23, 2020. The Proclamation only applies to individuals seeking initial entry into the U.S. on immigrant visas as Permanent Residents and does not apply to nonimmigrant temporary workers including agricultural workers who enter the U.S. on the H-2A Temporary Agricultural Worker Program. The Proclamation also does not apply to any individuals undergoing the permanent residency process from within the United States. [Click here](#) for more general information regarding the Proclamation.

The H-2A Program allows U.S. employers who meet certain requirements to fill temporary or seasonal agricultural jobs in the U.S. with foreign nationals. Earlier drafts of the Proclamation obtained by media outlets were reported to contain some restrictions on certain nonimmigrants, but multiple government officials had stated that the H-2A program and agricultural workers would not be affected. The final version of the Proclamation did not include restrictions on any nonimmigrant programs including the H-2A program, although a provision does instruct the Secretaries of Labor and Homeland Security to, within 30 days, “review nonimmigrant programs” and “recommend...other measures appropriate to stimulate the United States economy and ensure the prioritization, hiring, and employment of United States workers.”

It is unclear at this time whether or how the H-2A program will be subject to any restrictions as a result of such review, although it is worth noting that on April 20, 2020, the federal government published a temporary final rule *loosening* some restrictions on the H-2A program during the COVID-19 crisis to “[protect] the integrity the nation's food supply chain and [decrease] possible reliance on unauthorized aliens.” Specifically, the temporary rule allows H-2A workers currently holding status to start working for an employer immediately after the extension of stay petition is received by the USCIS, provided that the petitions are supported by valid temporary labor certifications. The rule also allows H-2A workers to stay in the United States beyond the 3-year maximum allowable period of stay. The temporary rules are effective from April 20

to August 18, 2020, and applies to H-2A petitions that were received on or after March 1, 2020 and remain pending as of April 20, 2020 as well as to H-2A petitions received during the effective dates of the temporary rule.

If you have questions about the proclamation or immigration law issues in general, please contact Sachiyo Peterson, Tom Fusonie, Dan Shuey or your regular Vorys attorney.