

Publications

Immigration Alert: 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. Importantly, the proclamation does not apply to current lawful permanent residents, nonimmigrant visa holders or applicants, or individuals who are in the process of applying for permanent residency from within the United States.

Scope of the proclamation

- Individuals who are outside of the United States on the effective date of the proclamation and are applying for an immigrant visa (a visa issued to someone who intends to live permanently in the United States as a permanent resident);
- Individuals who **do not** have an immigrant visa that is valid on the effective date of the proclamation; and
- Individuals who do not have an official travel document other than a visa (such as a transportation letter, boarding foil, or an advance parole document) that is valid on the effective date of the proclamation.

Exemptions from the proclamation

- Individuals who are already lawful permanent residents (i.e., current green card holders);
- Nonimmigrant visa holders and applicants (H-1B, L-1, E-2, TN, etc.);

- Individuals who are in the process of applying for permanent residency from within the United States, including but not limited to, those who are currently in the PERM stage, have an Immigrant Visa Petition (Form I-140) pending, and/or have an Application to Adjust Status (Form I-485) pending;

- Individuals who are outside the U.S., and are seeking to enter the U.S. on an immigrant visa that has not yet been issued as a:
 - Spouse of a U.S. citizen;

 - Health care worker, including as a physician, nurse, or other health care professional; to perform medical research or other research intended to combat the spread of COVID-19; to perform work essential to combating, recovering from, or otherwise alleviating the effects of the COVID-19 outbreak; and any spouse and unmarried children under 21 years old of any such individual who are accompanying or following to join the alien;

 - Child of a U.S. citizen or prospective adoptee seeking to enter the U.S. pursuant to the IR-4 or IH-4 visa classifications;

 - Investor under the EB-5 Immigrant Investor Program;

 - Individual whose entry would further important U.S. law enforcement objectives;

 - Member of the U.S. Armed Forces and any spouse and children of a member of the U.S. Armed Forces;

 - Beneficiary of a Special Immigrant Visa; or

 - Individual whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees.

While the current proclamation does not impact nonimmigrant visa holders, it does direct the Secretary of Labor and the Secretary of Homeland Security, in consultation with the Secretary of State, to review in the next 30 days, nonimmigrant programs and to recommend measures to “ensure the prioritization, hiring,

and employment of U.S. workers.”

Please contact your Vorys attorney if you have any questions regarding the impact of the proclamation on your family or your employees.

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Vorys COVID-19 Task Force

Vorys attorneys and professionals are counseling our clients in the myriad issues related to the coronavirus (COVID-19) outbreak. We have also established a comprehensive Coronavirus Task Force, which includes attorneys with deep experience in the niche disciplines that we have been and expect to continue receiving questions regarding coronavirus. Learn more and see the latest updates from the task force at [vorys.com/coronavirus](https://www.vorys.com/coronavirus).