

President Trump Signs Proclamation Suspending Entry Of Certain Immigrants Into The United States

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On April 22, [President Trump issued an official proclamation](#) – which takes effect at 11:59 p.m. EST on April 23, 2020 – restricting certain categories of immigrants from entering the United States as the country works to contain the COVID-19 pandemic.

This proclamation will expire 60 days from its effective date and may be continued as necessary.

The use of the term “immigrants” here is highly significant. Under U.S. immigration law, this term refers to individuals entering the United States on “immigrant visas” as permanent residents or “green card holders.” Individuals entering on temporary visas or commonly used work visas such as the H-1B, L-1, and TN are not covered by this proclamation.

The proclamation will primarily affect the Diversity Visa Lottery, family-based immigration and certain employment-based immigration categories. The new rule ostensibly aims to protect American jobs at a time of high-domestic unemployment and economic uncertainty.

It suspends the entry of individuals seeking to enter the U.S. as an immigrant who:

- Are outside the United States on the effective date of the order
- Do not have an immigrant visa for entry as a permanent resident or “green card holder” that is valid on the effective date
- Do not have a valid official travel document (such as a transportation letter, an appropriate boarding foil or an advance parole document) on the effective date, or issued on any date

thereafter that permits travel to the United States to seek entry or admission

The suspension and limitation on entry to the United States will not apply to:

- Any lawful permanent resident of the United States
- Medical professionals, agricultural workers and others who enter on temporary nonimmigrant visas
- Individuals applying for a visa to enter the U.S. pursuant to the EB-5 Immigrant Investor Program
- Immigrants who already are living and working in the U.S. and are seeking to become legal permanent residents
- Any member of the United States Armed Forces and any spouse and children of a member of the United States Armed Forces
- Any individual whose entry to the U.S. is deemed to be in the national interest
- Spouses and underage children of U.S. citizens. Spouses and children of legal permanent residents are not exempt from the proclamation.

Common immigration categories that are affected include the spouses of children of legal permanent residents who are abroad, siblings and parents of U.S. citizens who are currently abroad. Litigation over this proclamation is expected and is likely to focus on the categories of individuals covered (such as the parents of U.S. citizens) and the stated grounds for the proclamation itself.

Of significant concern is also the proclamation's instruction to Cabinet agencies to examine how the admission of foreign workers may impact the U.S. workforce over the course of the next 30 days, as this could foreshadow further restrictions on legal immigration.

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