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IMMIGRATION AND COMPLIANCE BRIEFING: PRESIDENTIAL PROCLAMATION TO TEMPORARILY SUSPEND ENTRY INTO THE U.S. OF CERTAIN IMMIGRANT APPLICANTS

PRESIDENTIAL PROCLAMATION - EFFECTIVE THURSDAY, APRIL 23 AT 11:59 P.M. ET.

A Presidential Proclamation was issued on April 22 to suspend for **60 days** “the entry into the United States of aliens as immigrants” (meaning applicants at the final stage for green cards who are outside of the U.S. and seek to become permanent U.S. residents). The suspension may be extended beyond 60 days. The Proclamation also calls for a **review within 30 days** of temporary nonimmigrant visa programs (nonimmigrant visa programs include temporary work visas such as the H-1B and L-1).

The suspension applies to individuals who, on the date the Proclamation goes into effect:

- Are outside of the U.S.;
- Do not have a valid immigrant visa; and
- Do not have an official travel document other than a visa (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

This suspension does **not** apply to:

- Spouses of U.S. citizens

- Children of U.S. citizens under the age of 21 and prospective adoptees seeking to enter the U.S. pursuant to the IR-4 or IH-4 visa classifications
- Lawful Permanent Residents (those who already possess a green card)
- Individuals seeking to enter the U.S. on an immigrant visa as a physician, nurse, or other healthcare professional to perform medical or other research intended to combat COVID-19 or perform work essential to combatting, recovering from, or alleviating the COVID-19 outbreak (exemption also applies to the spouses and children under 21 of these exempted healthcare workers who are accompanying or following to join the principal healthcare worker immigrant).
- Individuals applying for an EB-5 Immigrant Investor visa
- Individuals whose entry would further important law enforcement objectives
- Members of the U.S. Armed Forces, and their spouses and children
- Individuals seeking to enter the U.S. pursuant to certain Special Immigrant Visa categories, and their spouses and children
- Individuals whose entry would be in the national interest

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Consular officers have discretion to determine whether or not an immigrant has established eligibility for one of the aforementioned exemptions.

As a reminder, the following provisions have already been in place:

Routine visa services at all U.S. embassies and consular posts around the world were suspended March 20, 2020. U.S. embassies and consulates continue to provide urgent and emergency visa services as resources allow, and to process visa applications for farm workers and medical professionals assisting with COVID-19.

U.S. Citizenship and Immigration Services (USCIS) suspended in-person services through at least May 3, 2020, including in-person interviews and biometrics processing. USCIS staff continues to perform duties that do not involve contact with the public and will provide emergency services for limited in-person situations. USCIS will keep accepting and processing applications and petitions, including applications requesting an extension or change of status.

The U.S. borders with Canada and Mexico are closed for non-essential travel until at least May 20, 2020.

With some exceptions, the entry of individuals who were present in China, Iran, the Schengen Area, the U.K., and Ireland, during the 14-day period before their attempted entry into the U.S. has also been suspended.

Associate **Ashley Moore** contributed to this briefing.

Wiggin and Dana's Immigration and Nationality Law and Compliance Practice Group will continue to provide briefings as more information becomes available. Please contact the practice group Co-Chair, Najia Khalid, at 203.498.4314 or nkhalid@wiggin.com if you have any questions.

Visit Wiggin and Dana's COVID-19 Resource Center [here](#) for additional publications and helpful links on multi-disciplinary topics that are relevant during the current COVID-19 global pandemic.