

APRIL 23, 2020



Proclamation suspending the entry of certain immigrants due to COVID-19 economic impact

By John Sandweg and Rachel Winkler

President Trump issued a [proclamation](#) on April 22, 2020, barring certain foreign nationals seeking entry into the United States for the first time as immigrants (those entering the U.S. from abroad for the first time as U.S. permanent residents). The proclamation was more narrow than expected and only applied to “immigrant” visas and excluded several categories of immigrants. These exceptions are discussed further below. The proclamation goes into effect as of 11:59 p.m. Eastern Daylight Time on April 23, 2020, and lasts for a period of 60 days with an option to be continued “as necessary.”

The proclamation excluded several categories of immigrants, including spouses and children of U.S. citizens, health care and COVID-19 related professionals, EB-5 investor immigrants, Special Immigrant Visa recipients, family members of U.S. military members, and authorized case-by-case exceptions for individuals whose admission is deemed to be in the national interest of the United States. This proclamation also does NOT apply to individuals who are already in the United States applying for adjustment of status to become U.S. permanent residents.

While the proclamation does not apply to non-immigrant visa holders or applicants, such as H-1Bs, L-1s, and other temporary and employment-based visa categories, other challenges to the admission of those individuals remain in place. The issued [COVID-19 travel bans](#), [consular post closures](#), and other [international travel restrictions](#) are still in effect and severely restrict the ability of these individuals to secure their visa or travel to the United States. The administration also recently [extended the temporary travel ban](#) on land ports of entries with Canada and Mexico through 11:59 p.m. (ET) on May 20, 2020.

Although the proclamation does not apply to non-immigrant visas, the president directed the Secretary of Labor and the Secretary of Homeland Security, in consultation with the Secretary of State to review non-immigrant visa programs and recommend other measures that may stimulate the United States economy and ensure the prioritization, hiring, and employment of United States workers. Such recommendations are to be made to the president within 30 days of the effective date of the proclamation (on or about May 23, 2020).

For more information on the content of this alert, please contact our [Coronavirus Response Team](#), your Nixon Peabody attorney, or:

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