

President Trump Announces Limited and Temporary Suspension of Immigrant Visa Processing

UPDATE: [President Trump Announces Expanded Temporary Suspension of Immigrant and Nonimmigrant Visa Processing](#)

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The proclamation issued by President Trump on April 22, 2020, directly affects a very narrow group of individuals and will be in effect from April 23, 2020 until June 22, 2020. Impacted directly are those individuals seeking to enter the United States as an immigrant (e.g., those seeking to enter the United States indefinitely) who:

1. Are outside the United States on or after April 23, 2020;
2. Who do not have a valid immigrant visa on or after April 23, 2020; and
3. Do not have a valid official travel document (such as a transportation letter, boarding foil or advance parole document) on or after April 23, 2020, that permits travel to the United States to seek entry or admission.

The proclamation therefore only directly affects those individuals who were in a position to seek an immigrant visa at a U.S. consulate or embassy outside of the United States between April 23, 2020 and June 22, 2020. The proclamation indicates that it may be extended or modified as necessary.

The proclamation does specifically carve out several groups of individuals who will still be able to seek an immigrant visa while the proclamation is in effect. The exempted individuals includes those who are:

1. Already lawful permanent residents (a/k/a green card holders);
2. Seeking to enter the United States on an immigrant visa as a physician, nurse or other health care professional, or the spouse or unmarried child under the age of 21 of any such health care professional, in order to perform medical research or other research intended to combat the spread of COVID-19, or to perform work essential to combating, recovering from or otherwise alleviating the effects of the COVID-19 outbreak;
3. Applying to enter the United States pursuant to the EB-5 immigrant investor visa program;

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4. The spouse of a U.S. citizen;
5. The child of a U.S. citizen and under the age of 21;
6. Prospective adoptees seeking to enter on an IR-4 or IH-4 immigrant visa;
7. Determined by the Secretaries of State and U.S. Department of Homeland Security (DHS), based on the recommendation of the Attorney General (AG), or their respective designees, to be an individual who would further important U.S. law enforcement objectives;
8. A member of the U.S. Armed Forces or the spouse or child of a U.S. Armed Forces member;
9. Eligible for a Special Immigrant Visa as an Afghan or Iraqi translator/interpreter or U.S. government employee (SI or SQ classification), or who are the spouse or child of any such individual; or
10. Determined by the Secretaries of State and DHS, or their respective designees, to be an individual whose entry would be in the national interest.

The proclamation does not affect at this time those:

1. Currently in the United States in any nonimmigrant status, such as A, B, E, F, G, H, J, K, L, M, O, P, Q, R, S, TN or U;
2. Currently in the United States seeking lawful permanent resident status through adjustment of status;
3. Currently in the United States seeking permanent labor certification;
4. Currently in the United States seeking nonimmigrant J-1 waivers;
5. Located outside of the United State who are seeking a nonimmigrant visa to enter the United States in any nonimmigrant category, such as A, B, E, F, G, H, J, K, L, M, O, P, Q, R, S, TN or U; or
6. Seeking asylum, refugee status, withholding of removal or protection under the Convention of Torture.

However, of concern is the proclamation's direction to the Secretaries of Labor and the DHS to review, in consultation with the Secretary of State, nonimmigrant



programs in order to recommend to the President other appropriate measures to stimulate the U.S. economy and ensure “the prioritization, hiring and employment” of U.S. workers. The proclamation may therefore result in the creation of additional positive or negative impacts on such areas that are for now untouched by it.

Reinhart’s [Immigration Law Team](#) will continue to monitor the situation for any additional updates to changes in these areas. For questions about this proclamation, please contact [Ben Kurten](#) or your Reinhart attorney.

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