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Trump's "Suspension of Immigrants" is Relatively Limited and Brief, for Now

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President Trump's April 22, 2020 Proclamation narrowly delays for 60 days the issuance of immigrant visas for certain categories of family and employment-sponsored immigrants and diversity lottery winners. It has no effect on a wide range of other immigrants or any temporary visitors and workers.

The much-anticipated and pre-tweeted presidential action about "closing immigration" amounts to this:

For 60 days, people who otherwise might have been able to receive an immigrant visa from a U.S. consulate abroad (for entry as a permanent resident) will not be able to get such visas. This includes people sponsored under most family categories (other than spouse and children of citizens), employment categories (not investors), and diversity lottery winners.

They probably would not have been able to get such a visa in that time anyway, given that the U.S. consulates are all essentially closed throughout the world due to COVID-19 implications and will be swamped with urgent work, including temporary visas, once they reopen.

The order does not suspend entry by:

- Anyone seeking to enter temporarily using the Visa Waiver Program or a valid visa
- Existing permanent residents, no matter where they are (this needed to be clarified because a green card technically is an immigrant visa)
- People already in the U.S., no matter what their status or intention or future movement
- People who already have been issued an immigrant visa (and perhaps are having trouble entering as a practical matter, even if they cannot get here during the period of the current ' validity and will need to request consular re-issuance)
- Anyone who has or ever will get advance parole (in case they are an applicant for adjustment of status to green card within the U.S. and obtain this travel authorization), a transportation letter or boarding foil (for people who otherwise should be able to enter with a visa or green card but encountered an emergency)
- Anyone immigrating as a health care professional or to research or counter COVID-19, or their families
- Investors in the EB-5 program and their families
- Spouses or under age 21 children of U.S. citizens (including adoptees)
- U.S. military members and their spouses and children
- Other people whose immigration is deemed to be in the national interest in various ways by Homeland Security and the State Department
- Applicants for asylum, refugee status, or torture convention applicants

The order hints that the Administration will be reviewing the need to extend the action and any ways to extend it to temporary categories, but this does not create any authority that would not exist otherwise.

If you have questions about information in this alert or other COVID-19 related immigration questions, please contact the author or any member of [Baker Donelson's Immigration Group](#). Also, please visit the [Coronavirus \(COVID-19\): What You Need to Know](#) information page on our website.