



## COVID-19: New Executive Order on Immigration

### **Information on the April 22, 2020, Proclamation Suspending Entry of Immigrants Who Present Risk to the U.S. Labor Market During the Economic Recovery Following the COVID-19 Outbreak**

Effective Date: April 23, 2020 at 11:59PM

#### **Who is Effected?**

- The primary immediate impact will be on **parents, siblings, and adult children of US citizens** as well as **spouses and children of lawful permanent residents** seeking lawful permanent residence from outside of the United States.
- Others seeking an immigrant visa from outside of the United States, including participants in the Diversity Visa Program.

#### **Who is NOT Effected?**

- Immigrants seeking lawful permanent residence (adjustment of status) from **within** the United States.
- Nonimmigrant Visa Holders
- Asylum seekers and refugees

#### **What does the Order say?**

- Suspends the entry of any individual seeking to enter the U.S. as an immigrant who:
  - Is **outside the United States** on the effective date of the proclamation;
  - Does not have a valid immigrant visa on the effective date; and
  - Does not have a valid official travel document (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 United States to seek entry or admission.

## Who does the Order allow to re-enter or enter the U.S. as an immigrant?

- The following categories are **exempted** from the proclamation:
  - Lawful permanent residents (LPR)
  - Spouses of U.S. citizens
  - Children of U.S. citizens under the age of 21 and prospective adoptees seeking to enter on an IR-4 or IH-4 visa
  - Individuals and their spouses or children seeking to enter the U.S. on an immigrant visa as a medical professional to perform essential work to combat the COVID-19 outbreak
  - Individuals applying for a visa to enter the U.S. pursuant to the EB-5 immigrant investor visa program
  - Individuals who would further important U.S. law enforcement objectives (as determined by the Secretaries of DHS and State)
  - Members of the U.S. Armed Forces and their spouses and children
  - Individuals and their spouses or children eligible for Special Immigrant Visas as an Afghan or Iraqi translator/interpreter or U.S. Government Employee (SI or SQ classification)
  - Individuals whose entry would be in the national interest.
- Nonimmigrant visa holders are not included in the proclamation.
  - The proclamation gives the Secretaries of Labor and DHS 30 days from April 23, 2020, to review nonimmigrant programs and recommend to the President other appropriate measures to stimulate the U.S. economy and ensure “the prioritization, hiring and employment” of U.S. workers.
- **Asylum seekers are not included in the ban.**
  - Individuals can still apply for asylum, refugee status, withholding of removal or protection under the Convention Against Torture.
  - Apart from the proclamation, the U.S. borders with Canada and Mexico remain closed for non-essential travel until at least May 20, 2020. The ability of asylum seekers to plead for asylum at the border has been severely restricted.

## Who Decides?

- It is up to the consular officer to decide if an individual is within one of the exempted categories outlined above.

## **Will Violators will be a Priority for Removal?**

- Yes. Individuals who circumvent or try to get around the application of this proclamation through fraud, willful misrepresentation or by illegally entering the U.S. will be prioritized for removal.

## **How Long is the Order Valid?**

- The proclamation expires 60 days from its effective date (or 60 days after April 23, 2020) and may be extended as necessary. Within 50 days from the effective date, the Secretary of DHS must recommend whether the President should continue or change the proclamation.

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<http://www.indianalegalservices.org/node/1038/covid-19-new-executive-order-immigration>

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