
Executive Order Suspends Some US Immigration For 60+ Days

By Carl M. Shusterman / Apr 23, 2020

An [Executive Order suspending US immigration](#) was issued by the White House on April 22, 2020. The order would reduce immigration to the United States by approximately one-third.

The stated rationale for the executive order is that since the COVID-19 pandemic has so far resulted in over 22 million Americans filing for unemployment benefits, reducing the number of immigrants able to enter the United States would ease pressure on the US labor market.

In a news conference, President Trump stated:

“This order will ensure that unemployed Americans of all backgrounds will be first in line for jobs as our economy reopens...Crucially, we'll also preserve our health care resources for American patients. We have to take care of our patients, we have to take care of our great American workers. And that's what we're doing.”

Democrats accuse President Trump of scapegoating immigrants in an effort to divert the public's attention from the Administration's failure to deal with the COVID-19 pandemic in a rational and timely manner.

Executive Order – Who Does It Apply To?

The order bars foreign nationals from being able to obtain immigrant visas at a US Embassy or Consulate abroad if

1. They are outside the US on April 23, 2020;
2. They do not have an immigrant visa that is valid on April 23, 2020; and
3. They do not have an official travel document other than a visa (such as a transportation letter, an appropriate boarding foil, or an advance parole document).

Most family-based immigration (parents, adult sons and daughters, and siblings of US citizens) will be placed on hold. The backlog in some of these categories is many years, even decades.

Also, spouses and children of lawful permanent residents will not be able to get immigrant visas under the executive order.

The Diversity Visa Lottery will be placed on hold.

However, the order does not apply to persons who are applying for temporary visas including B-2 visitors, E-2 investors, F-1 students, H-1B professionals and other types of temporary workers.

It does not affect persons who are applying for immigration benefits in the U.S. including extensions of stay, changes of status, and adjustment of status. Neither does it apply to persons seeking asylum, withholding of removal, or the Convention Against Torture.

Most employment-based immigration will continue as is since most EB immigrants, with the exception of registered nurses, are currently employed in the US with temporary working visas and adjust their status to permanent residents within the US.

Presently, most U.S. Embassies and Consulates are not conducting immigrant visa interviews. Neither is the USCIS.

Immigrant Visa Suspension – Who is Exempt?

Section 2b of the Executive Order exempts the following classes of persons:

1. Lawful permanent residents (green card holders);
2. Physicians, nurses and other healthcare professionals (and their spouses and children) if they are coming to the US “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, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees...”;
3. EB-5 Investors;
4. Spouses and unmarried children (but not parents) of US citizens;
5. “Any alien whose entry would further important United States law enforcement objectives, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees, based on a recommendation of the Attorney General or his designee;”
6. Any member of the US Armed Forces and their spouse and children;
7. Certain Special Immigrants – Iraqi nationals who worked for or on behalf of the U.S. government in Iraq or Afghan nationals who worked for or on behalf of the U.S. government or the International Security Assistance Force and their spouses and children; and
8. “Any alien whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees.”

How Long Will the Executive Order be in Effect?

The executive order will remain in effect for a minimum of 60 days and may be extended and/or expanded.

By May 22, 2020, the Secretaries of Labor, DHS, and the State Department will review temporary visa programs and make recommendations to the President regarding “measures appropriate to stimulate the United States economy and ensure the prioritization, hiring and employment of United States workers.”