



“Proclamation Suspending Entry of Immigrants Who Present Risk to the U.S. Labor Market During the Economic Recovery Following the COVID-19 Outbreak.”

Summary and Analysis of the Immigration Executive Order Erickson Immigration Group | April 23, 2020

On Wednesday, April 22, at 7:00 PM EDT, President Trump signed the Executive Order, "Proclamation Suspending Entry of Immigrants who Present Risk to the U.S. Labor Market During the Economic Recovery Following the COVID-19 Outbreak."

This Executive Order has no impact on immigrant and nonimmigrant employment-based immigration processes for individuals already living and working in the U.S.

WHEN DOES THE ORDER GO INTO EFFECT AND HOW LONG WILL IT LAST?

The order will take effect at 11:59 PM EDT on April 23, 2020. It will expire after 60 days. However, the administration will re-evaluate the circumstances after 50 days and may extend or modify the order.

WHO WILL BE IMPACTED BY THE ORDER?

The order will impact a limited pool of intending immigrants who are outside of the U.S. as of the effective date of the order and who have not yet been issued an immigrant visa or other travel document by a U.S. embassy or consulate. Note that impacted applicants are already unable to take their permanent residence applications forward due to the temporary suspension of routine immigrant visa issuance at all U.S. consulates that has been in effect since March 20, 2020.

ARE THERE ANY EXCEPTIONS?

Yes. The order does not apply to intending immigrants who are outside of the U.S. if they are:

- A permanent resident;
- A healthcare professional, medical researcher or an accompanying immediate relative of same;
- An EB-5 investor;
- The spouse of a U.S. citizen or the child of a U.S. citizen under 21 years of age, including prospective adoptees;
- Entering in order to assist with important law enforcement objectives;
- A member of the U.S. Armed Forces or a spouse or child of same;
- Special Immigrants in the SI or SQ classification or spouses or children of same;
- Entering for a purpose that is in the national interest of the U.S.

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WILL THE ORDER DELAY ADJUDICATION OF GREEN CARD CASES IN PROGRESS FOR FOREIGN WORKERS WHO ARE IN THE U.S.?

The order does not contain provisions pertaining to the Department of Labor adjudication of labor certifications (PERM) or USCIS adjudication of Forms I-140 or I-485. Employers can continue to sponsor employees for permanent residence in the U.S.

WHAT WILL BE THE IMPACT ON MY EAD AND/OR ADVANCE PAROLE EXTENSION?

There is no restriction on USCIS adjudication of EAD/AP extensions. Employees can continue to request extensions of these documents.

WHAT WILL HAPPEN TO MY SPOUSE OR CHILD'S PENDING GREEN CARD CASE AS A RESULT OF THE ORDER?

U.S. citizens and permanent residents can continue to file applications for permanent residency with USCIS on behalf of their relatives. Please plan for delays if the foreign national relative is or will be outside of the U.S. and intends to process at a U.S. consulate overseas.

I HAVE A GREEN CARD CASE IN PROGRESS, AND I LIVE AND WORK IN THE U.S., BUT PLAN TO TRAVEL OVERSEAS DURING THE VALIDITY PERIOD OF THE ORDER. WILL I BE ABLE TO RETURN TO THE U.S. AFTER MY TRIP?

If you have a valid travel document such as a visa stamp or advance parole document, then you should be re-admitted, notwithstanding the order. However, please keep in mind that there are myriad global travel restrictions in place as a result of the pandemic. Therefore, we recommend discussing international travel plans with your employer and EIG before you plan to depart the U.S.

DOES THE ORDER RESTRICT ANY EMPLOYMENT-BASED NONIMMIGRANT VISAS (EG: H-1B, L-1, TNS, E-3, OR F-1)?

No, but the order requires the Secretaries of Labor, Homeland Security, and State to review nonimmigrant visa programs and recommend additional measures “appropriate to stimulate the United States economy and ensure the prioritization, hiring, and employment of United States workers.”

If you have specific questions about how the executive order impacts your case, please reach out to your EIG contact. EIG is closely watching the situation and will provide updates as more information becomes available.