



Proclamation Suspending Immigrant Visa Entries

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April 2020

This week, a Proclamation was issued suspending some immigrant visa entries. The order went into effect April 23, 2020 at midnight eastern time and will last for 60 days. The effect of this proclamation is that some people who are outside the U.S. waiting for an immigrant visa may not enter the U.S. as immigrants during the next 60 days. Those impacted by this suspension may include: spouses and children of legal permanent residents; siblings and parents of U.S. citizens; individuals eligible for immigrant visas based on religious worker status; and individuals who are eligible for an immigrant visa based on employment in the U.S.

However, there are multiple exceptions, including for spouses and children of U.S. citizens, legal permanent residents, EB-5 Investors, and members and families of the U.S. military. Below is a detailed summary of who the suspension applies to and who is excluded from it.

Summary of Proclamation Suspending Immigrant Visa Entries

This immigrant visa entry **suspension applies to** individuals who:

- are outside the United States as of April 23;
- do not already have an immigrant visa as of April 23; and
- do not have some other form or permission to seek entry into the United States.

However, the following individuals are specifically **exempted** from the Executive Order suspension:

1. Lawful permanent residents (LPR), also known as green card holders;
2. Individuals, and their spouses or children, seeking to enter the U.S. on an immigrant visa as a physician, nurse, or other healthcare professional to perform work essential to combatting, recovering from, or otherwise alleviating the effects of the COVID-19 outbreak (as determined by the relevant government agency);
3. Individuals applying for an EB-5 immigrant investor visa;
4. Spouses of U.S. citizens;
5. Children of U.S. citizens under the age of 21 and prospective adoptees;
6. Individuals who would further important U.S. law enforcement objectives (as determined by the relevant government agency);
7. Members of the U.S. Armed Forces and their spouses and children;
8. 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); and
9. Individuals whose entry would be in the national interest (as determined by the relevant government agency).

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Other Questions

Q. How long will the suspension last?

A. Initially, the proclamation suspends entries for 60 days, or through June 22, 2020. It is possible that the suspension could be renewed for a further period of time.

Q. Does this suspension apply to me if I already have a nonimmigrant visa, such as an F-1, H-1B or B1/B2?

A. No. This proclamation does not include nonimmigrant visa entries. The proclamation indicates that the President will consider additional measures for nonimmigrant visa categories within the next 30 days, so there may be restrictions on nonimmigrant entries in the future. At the moment, individuals who have a nonimmigrant visa may not be able to enter the U.S. due to specific coronavirus-related travel restrictions. Similarly, individuals who have applied for a nonimmigrant visa are already experiencing delays because the Department of State has halted all regular visa interviews.

Q. Does this impact individuals applying for a green card through adjustment from inside the U.S.?

A. No. This proclamation only applies to people who are outside the United States, on April 23, 2020, seeking a green card through the immigrant visa process. At this time, USCIS is still accepting and processing adjustment of status applications from eligible individuals within the United States.

Q. Does this apply to me if I have an I-130 Petition pending for a family member?

A. No. This proclamation does not impact USCIS's ability to accept and process I-130 Petitions.

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Our experienced Bousquet Holstein immigration team provides comprehensive services to address our clients' needs regarding immigration benefits and compliance matters. Please contact:

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