

President Trump Expected to Temporarily Bar Immigration to the United States for Certain Persons

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In a press conference on April 20, 2020, President Trump announced that his administration would be temporarily barring certain new immigrants, including some family members of US citizens and foreign workers, from entering the US for an initial sixty (60) day period.

Currently, the following individuals are able to enter the US within the discretion of US Customs and Border Protection:

- US Citizens;
- US Lawful Permanent Residents (“Green card holders”); and
- Individuals holding valid US visas (other than B-1/B-2 visitor visas); and
- Canadians holding valid US visas or nonimmigrant status documents.

While speculation is wide-ranging as to the exact restrictions that will be included in the Executive Order, we expect we may see the following temporary restrictions:

- Suspension of issuance of family-based and employment-based (dependent only) immigrant visas by US Consulates and Embassies – which was already temporarily suspended under US Department of State COVID-19 policies;
- Suspension of acceptance of immigrant petitions by US Citizenship and Immigration Services; and
- Suspension of processing of adjustment of status applications for beneficiaries of approved family-based and employment-based (dependent only) immigrant petitions.

If the speculation holds true, the executive order will not impact immigrants already living in the US or foreigner workers entering the US on temporary employment-based visas or nonimmigrant status, including those who currently hold H-1B, L-1, O-1, TN, or E-2 nonimmigrant statuses.

Until more specific details are released, we are advising our clients as follows:

- Individuals already in the US with valid nonimmigrant or immigrant status should remain in the US, seek extensions of status or changes of status as required, and not make any plans to travel abroad until temporary COVID-19-related restrictions are lifted; and
- Individuals who are outside of the US but hold valid nonimmigrant or immigrant visas (other than B-1/B-2 Visitor Visas). should travel back to the United States as soon as possible.

Once the Executive Order is released, we will be able to update this blog with specific analysis and guidance. Stay tuned!