

Executive Order Bars Entry for New Immigrant Visa Holders for 60 Days

April 23, 2020 | Alert | By [Susan J. Cohen](#), [John F. Quill](#)

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On Wednesday, April 22, 2020, President Trump signed an Executive Order that temporarily suspends the entry of new immigrants to the U.S., with the stated goal of protecting American jobs in light of the COVID-19–related downturn in the U.S. economy. The Executive Order takes effect as of 11:59 pm EST on April 23, 2020.

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The Executive Order temporarily suspends entry into the United States of individuals who, as of the effective date:

- are outside the United States; and
- have not yet been issued an Immigrant Visa or a similar travel document which allows entry into the United States as a permanent resident.

The Executive Order is effective for 60 days, and may be continued depending on labor market conditions.

By way of background, an Immigrant Visa is issued by a United States Consular Post as the final step when an individual applies for permanent resident status from outside the United States. This Executive Order does not suspend the granting of permanent residence by U.S Citizenship and Immigration Services (USCIS) based on a Form I-485 Application for Adjustment of Status, which applies to those applying for permanent residency from within the United States.

There are a number of exemptions to the suspension, which include:

- Individuals who have been issued an Immigrant Visa as of the effective date of the Executive Order;
- Individuals who currently hold permanent resident status in the United States;
- Immigrant Visa Holders entering the U.S. in one of the following categories:
 - As a physician, nurse, or other healthcare professional; 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; and any spouse and unmarried children under 21 years old of any such alien who are accompanying or following to join the individual;
 - Pursuant to the EB-5 Immigrant Investor Program;
 - The spouse of a United States citizen;
 - A child of a United States citizen if the child is under the age of 21;
 - A prospective adoptee seeking to enter the United States pursuant to the IR-4 or IH-4 visa classifications;
 - An individual whose entry would further important United States law enforcement objectives;
 - As a member of the United States Armed Forces and the spouse and children of a member of the United States Armed Forces;
 - Those holding a Special Immigrant Visa in the SI or SQ classification, and the spouse and children of any such individual; or
 - As an immigrant whose entry would be in the national interest.

For the discretionary exemptions listed above, the Executive Order instructs the Departments of State and Homeland Security to implement procedures regarding the issuance of Immigrant Visas and the entry into the United States with an Immigrant Visa. In addition, the Executive Order indicates that Consular Officers will determine if an Immigrant Visa applicant qualifies for one of the exemptions.

There are likely to be many questions regarding the process and the standards for demonstrating eligibility for one of these exemptions. We will provide more information as it becomes available.

For further guidance, please contact your immigration team at Mintz.

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John's practice encompasses all aspects of immigration and nationality law. John draws on over two decades of experience to help companies and their employees obtain nonimmigrant visas, including B, E, H, J, L, O, and TN visas. He also handles applications for PERM labor certification; extraordinary ability, outstanding researcher, and national interest waiver petitions; adjustment of status procedures; consular processing; and naturalization.

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