

## POTUS Signs Executive Order Limiting Immigration

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April 23, 2020

In the late evening of April 22, 2020, President Trump signed an executive order restricting certain categories of immigrants from entering the United States. This order is effective at 11:59 p.m. EDT on April 23, 2020, and will last for 60 days, at which point it may be modified or continued. Foreign nationals who are currently in the U.S. are not impacted by this order.

### **What is this executive order?**

The executive order suspends and limits the entry of foreign nationals into the United States who, on the effective date of this order, 1) are outside the United States; and 2) do not have a valid immigrant visa or an official travel document (such as an advance parole document).

### **What are the exceptions in this executive order?**

Pursuant to the order, the suspension and limitation on entry shall **not** apply to the following categories of foreign nationals who are outside the U.S. on the effective date of this order:

1. Foreign nationals holding a valid immigrant visa or other official travel document other than a nonimmigrant visa (such as an advance parole document);
2. Lawful Permanent Residents (commonly known as "Green Card holders");
3. Foreign nationals (and their spouses and unmarried children under 21 years old) seeking to enter the United States on an immigrant visa 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;
4. EB-5 investors;
5. Spouses of U.S. Citizens;
6. Children (under 21 years old) of United States citizens, or prospective adoptees seeking to enter the United States pursuant to the IR-4 or IH-4 visa classifications;
7. Foreign nationals whose entry would further important United States law enforcement objectives;
8. Members of the United States Armed Forces (and their spouses and children);
9. Foreign nationals (and their spouses and children) seeking to enter the United States pursuant to a Special Immigrant Visa in the SI or SQ classification;
10. Foreign nationals whose entry would be in the national interest.

Given the exemptions included, the current executive order is likely to affect a relatively small group of people. However, **PLEASE NOTE that the order also includes a provision for the Secretaries of Labor and Homeland Security to review nonimmigrant visa programs within 30 days of this order, in consultation with the Secretary of State to "recommend to [President] other measures appropriate to stimulate the United States economy and ensure the prioritization, hiring, and employment of United States workers." Therefore, we recommend that**

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**foreign nationals consult with their employers and immigration counsel immediately if they need to extend or change their status, apply for adjustment of status or green card, or travel abroad in the near future.**

This is part of a series of our COVID-19 alerts providing clients with practical advice on measures they can take to navigate through these troubled times. Please contact the authors or your Miller Canfield attorney with further questions.

*This information is based on the facts and guidance available at the time of publication, and may be subject to change.*