

President Trump Signs Executive Order Providing for a 60-Day Suspension of Certain Green Card Immigrant Visas

Hinshaw Alert | 2 min read

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On April 22, 2020, citing concerns over preserving jobs for U.S. workers and the economy amid the COVID-19 pandemic, President Donald Trump signed an executive order that suspends issuance of immigrant-based visas for 60 days. The order went into effect at 11:59 p.m. Eastern on April 23, 2020.

The order applies to foreign nationals seeking legal permanent residency who are outside the U.S. at the time the order becomes effective, but excludes those who are already legal permanent residents, as well as those in the country seeking to change their immigration status. In effect, the order only prevents non-citizens living outside the U.S. from obtaining legal permanent residency if they do not already have a valid immigrant visa or other travel document that grants entry to the U.S.

The order also identifies other exemptions. For example, it exempts physicians, nurses, and other health care professionals from suspension, so long as they are seeking to enter the U.S. “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.” Spouses and unmarried children of those individuals—as well as those of U.S. citizens—are also exempted. Other exemptions include any member of the U.S. Armed Forces, their spouses, and children; Iraqi or Afghan citizens employed by U.S. Armed Forces; children being adopted from abroad by U.S. citizens; and any non-citizens seeking an EB-5 visa, which requires they invest \$1.8 million into a U.S. business.

The category of immigrants who will be most impacted are likely those outside the United States who seek legal permanent residency through their employers, or on the basis of their professional merits. In addition, otherwise eligible parents, adult children, and siblings of U.S. citizens will be unable to gain legal permanent residency under the order. Spouses of permanent U.S. residents will also be barred from green cards.

The order does not impact non-immigrant visas, such as E-2, H-1B, H-2, L, O, and R. However, the order does expressly state that the status of non-immigrant visas will be reviewed and future measures could also be taken

regarding those visas in order “to stimulate the United States economy and ensure the prioritization, hiring, and employment of United States workers.”

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