

Does Trump's Proclamation Suspending Entry of Immigrants Affect You?

President Trump's [Proclamation Suspending Entry of Immigrants](#), primarily suspends the entry to the United States for the next 60 days*, of immigrants (meaning people who want to enter the US as a permanent resident) who do not yet have a green card or immigrant visa in their passport and are outside the US.

Please note this executive order does not affect nonimmigrant visa holders (such as B-1/B-2, E-3, E-1/E-2, F-1, F-2, H-1B, H-4, H-3, J-1, J-2, L-1A, L-1B, M-1, O-1, O-2, O-3, P-1, etc.) or the issuance of nonimmigrant visas, the extension of such visa statuses, or the change of status applications to any of these statuses. If your questions about the Executive Order are about how it affects your nonimmigrant visa (i.e. one of the visas listed above) or your ability to get a nonimmigrant visa, or extend or change status from within the US to one of these non-immigrant visa statuses – the answer is that it does not affect you or your nonimmigrant visa. I know that this will provide much relief to many clients who have emailed us over the last 48 hours.*

The primary groups affected by this Executive Order are those who were expecting a green card interview/consular processing of their green card outside the US within the next 60 days*. This includes green card interviews and immigrant visa issuance for the following:

- **diversity visa/green card lottery** interviews/issuance **outside the US** – if you are a diversity visa/green card lottery selectee, and you were expecting to consular process/have your green card interview before September 30, 2020 (the date you must interview by in order to not miss out on the green card) then please contact us. If your case was filed as adjustment of status, then this should not affect you as you are inside the US;
- **employment based green card** interviews/issuance **outside the US** – if you find yourself in this situation, the effective meaning of this is that it is going to take more than 60 days to get that green card and/or to be able to enter the US if you receive your green card in the next 60 days while outside the US; and
- **family based green card** interviews/issuance **outside the US for spouses and children of Green Card holders, parents and siblings and married children of US citizens** – if you find yourself in this situation, the effective meaning of this is that it is going to take more than 60 days to get that green card and/or to be able to enter the US if you receive your green card in the next 60 days while outside the US.

This executive order will not affect you if you are one of the following immigrants:

- (i) you already have a green card, or have filed for your green card and already have an advance parole document to enter the US with, or the immigrant visa sticker already in your passport as of the date of the order;

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- (ii) you are seeking a green card to enter the US 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. If you fall within this category, your spouse, and unmarried children under 21 years old will also not be affected by this Executive Order;
- (iii) you are pursuing your green card under the EB-5 Immigrant Investor Program;
- (iv) you are pursuing your green card as the spouse of a United States citizen;
- (v) you are the child of a United States citizen who is under the age of 21 or you are a prospective adoptee seeking to enter the United States pursuant to the IR-4 or IH-4 visa classifications;
- (vi) you are seeking a green card to enter the US to assist United States law enforcement objectives, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees, based on a recommendation of the Attorney General or his designee;
- (vii) you are a member of the United States Armed Forces or a spouse or child of a member of the United States Armed Forces;
- (viii) you are seeking to enter the United States pursuant to a Special Immigrant Visa in the SI or SQ classification, subject to such conditions as the Secretary of State may impose, and any spouse and children of any such individual; or
- (ix) if your entry to the US as a green card holder would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees.

*Please note that while the Executive Order expires in 60 days, it also contains a provision that allows for an extension of the Order beyond 60 days. In addition, the Executive Order mentions that over the next 30 days President Trump will be considering whether to issue any other Executive Orders related to non-immigrant visas. We will keep you updated on any developments regarding extension or new Executive Orders.

As always if you have any questions please do not hesitate to reach out to us.