

## Immigration Ban Has Limited Reach (for Now)

PUBLISHED ON  
**April 23, 2020**

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Yesterday, President Donald Trump issued an executive order implementing a partial suspension of foreign nationals entering the United States. Earlier in the week, the president claimed in a late-night tweet that the order would "temporarily suspend immigration into the United States."

But the actual order is much more limited than the earlier tweet suggested.

As an initial matter, the suspension only applies to individuals currently located outside the United States. It does not apply to anyone already in the country. So individuals seeking a green card through the "adjustment of status" process will still be able to do so.

The proclamation also only limits the issuance of permanent legal resident visas. It does not affect temporary visas, such as H visas granted to doctors, nurses, and certain agricultural workers providing essential services during the COVID-19 outbreak. Similarly, temporary visa holders currently in the U.S. are still permitted to extend their stay if the Immigration and Nationality Act authorizes that.

Even for foreign nationals currently outside the country, some exceptions apply. Legal permanent residents are still permitted to enter the U.S. from abroad. Likewise, foreign nationals who already had received a permanent visa and travel document before the proclamation went into effect will still be permitted to enter. The suspension has no effect on the spouses of U.S. citizens, most children of U.S. citizens, immigrant investors under the EB-5 visa program, asylum seekers, and foreign nationals who are members of the U.S. military.

Moreover, the suspension only lasts for the next 60 days.

More restrictions, however, could be coming. The president has instructed the heads of the departments of Homeland Security, Labor, and State to make further recommendations. It remains to be seen what will come of that process.

In light of that uncertainty, now might be a good time for employers and employees on work visas currently in the U.S. to discuss whether it makes sense to move forward with renewing those visas or seeking legal permanent residency. Those discussions will require balancing the potential benefits of filing those applications now against the potential that the applications might languish due to the curtailment of government operations as a result of the COVID-19 pandemic.

Businesses or individuals with questions about the executive order should feel free to [contact me](#) or one of the attorneys in [Barley Snyder's Immigration Law Group](#).

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