



What Employers Need To Know About The White House's COVID-19 Immigration Proclamation

Insights

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In a measure responding to the COVID-19 pandemic crisis, President Trump has issued a proclamation temporarily suspending the entry of immigrant-visa applicants for 60 days. Although the initial announcement preceding the actual order hinted at a broad-based immigration ban, this action only applies to those foreign nationals who are applying for permanent residence abroad. What do employers need to know about this new development?

Specifics Of Proclamation

The proclamation only applies to immigrant visa applicants who are outside the country when the suspension takes effect – on April 23 at 11:59 pm Eastern – and do not already have a valid immigrant visa or another type of travel document that would permit them to travel to the U.S. The suspension will last for 60 days unless extended or modified. The proclamation will be reviewed no later than 10 days before the current expiration date to determine whether it should be extended or modified.

Exclusions

The proclamation specifically excludes certain family-based categories of immigrants, including permanent residents and spouses and unmarried children of U.S. citizens under the age of 21. It also exempts certain immigrants and their families seeking employment-based immigrant visas, including certain healthcare professionals, EB-5 immigrant Investor visas, members of the U.S. Armed Forces, and people whose presence in the country are deemed to be in the National Interest.

What's Next?

While the order does not apply to temporary visa applicants – such as H-1B, L-1 or other nonimmigrant categories – the proclamation requires the Secretaries of Labor, Homeland Security, and State to review non-immigrant visa programs within 30 days. Further, the heads of these departments are charged to recommend to the administration other measures “appropriate to stimulate the United States economy and ensure the prioritization, hiring, and employment of United States workers.”

What Should Employers Do?

If your company utilizes foreign labor, you should expect future measures against applicants who need to apply for temporary visas and permanent residence processes and plan accordingly. In anticipation of further and possibly more impactful decisions by the administration, you should

anticipation of further and possibly more impactful decisions by the administration, you should review your immigration program with an eye toward your international travel, temporary visa and permanent residence application processes. Specifically, you should:

- Advise employees to avoid international travel during this time until the proclamation is clearly expired.
- Expect and plan for additional delays for affected employees even after consulates recommence visa processing.
- Provide communication to foreign national employees and affected employees on the proclamation to help alleviate concerns.
- Ensure that change of employer applications or extensions of status applications are filed as quickly as possible.

Conclusion

Fisher Phillips will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips' Alert System](#) to get the most up-to-date information. For further information, contact your Fisher Phillips attorney, any attorney from our [Global Immigration Practice Group](#), or any member of [our Post-Pandemic Strategy Group Roster](#). You can also review our [FP BEYOND THE CURVE: Post-Pandemic Back-To-Business FAQs For Employers](#) and our [FP Resource Center For Employers](#).

This Legal Alert provides an overview of a specific developing situation. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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