

## **PRESIDENTIAL PROCLAMATION SUSPENDING ENTRY OF IMMIGRANTS, ALLEGING RISK TO U.S. LABOR MARKET**

On Wednesday, April 22, 2020 the President issued a “Proclamation Suspending Entry of Immigrants Who Present Risk to the U.S. Labor Market During the Economic Recovery Following the COVID-19 Outbreak.” The Proclamation takes effect at 11:59 PM EDT tonight, has a duration of 60 days, and will expire on June 22 if not renewed. It can be read in its entirety at

<https://www.whitehouse.gov/presidential-actions/proclamation-suspending-entry-immigrants-present-risk-u-s-labor-market-economic-recovery-following-covid-19-outbreak/>.

The Proclamation limits certain immigrant visa processing (that is, visas leading to permanent resident status when the individual enters the U.S.A.) at U.S. consulates abroad. However, it does not apply to several specific types of immigrant visas, such as those for spouses and unmarried children of U.S. citizens, healthcare workers or those who perform medical research. It does not prevent individuals who are *already* permanent residents (green card holders), or those who have *already* received an immigrant visa, advance parole document, or certain other travel documents from entering the U.S.A.

The Proclamation does not limit immigration actions within the U.S.A. As such, it does not affect applicants seeking permanent residence through the adjustment of status process in the U.S.A., the filing of immigrant visa petitions, or nonimmigrant visa petitions for status such as H-1B, TN, L-1, O-1, etc. Likewise, it does not restrict processing of *nonimmigrant* visas at U.S. consulates during the 60-day period.

The Secretaries of State, Homeland Security and Labor are directed to review nonimmigrant programs and recommend within 30 days measures to prioritize the hiring of U.S. workers. This could potentially have an impact on the H-1B program, employment-based green card processes and similar processes, but nothing is certain at this point. The Proclamation is sure to be challenged by immigration groups, the business community and others affected by it.

Whiteman Osterman & Hanna LLP can assist with these issues and more, as you and your business work to navigate the novel and difficult decisions arising from the COVID-19 pandemic.

For assistance with immigration issues, please call us at 518-487-7600, or email us at [immigration@woh.com](mailto:immigration@woh.com).