

IMPACT OF PRESIDENT'S IMMIGRATION ORDER ON COMPANIES WITH FOREIGN WORKERS

On April 22, 2020, President Trump signed an Executive Order or Proclamation suspending the entry of certain immigrants who present a risk to the United States labor market during the economic recovery following the COVID-19 outbreak. The suspension is 60 days.

The proclamation does not impact foreign nationals who are currently in the U.S., whether as lawful permanent residents or as nonimmigrants. Therefore, employees currently working in the U.S. in a valid nonimmigrant status, such as H-1B, L-1, TN, or who are lawful permanent residents are not impacted. Likewise, if you are currently in the process of sponsoring an employee for lawful permanent residence status and they will be adjusting their status in the U.S., they will not be impacted by the proclamation.

The proclamation applies only to foreign nationals who: i) are currently *outside* the U.S. on the effective date of the proclamation, ii) do not have an immigrant visa on the effective date of the proclamation, and iii) do not have a valid official travel document (such as a transportation letter, an appropriate boarding foil or an advanced parole document) on the effective date or issued on any date thereafter that permits travel to the U.S. to seek entry or admission.

The proclamation does not apply to a lawful permanent resident of the U.S. who is currently abroad. Therefore, if companies have employees or family members who are currently lawful permanent residents of the U.S., the proclamation will not prevent them from returning to the U.S.

In addition, the proclamation does not apply to any foreign national, their spouse or children (under 21 years old) seeking to enter the U.S. on an immigrant visa as a physician, nurse or other health care professional, to perform medical research or other research intended to combat the spread of COVID-19; or to perform work essential to combatting, recovering from or otherwise alleviating the effects of COVID-19 outbreak. Likewise, the proclamation does not apply to any foreign national applying for a visa to enter

PEOPLE

Martha N. Hereford

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the U.S. pursuant to the EB-5 Immigrant Investor Program.

The proclamation does not apply to any foreign national who is the spouse or child (under 21 years old) of a U.S. citizen or who is a prospective adoptee seeking to enter the U.S.

Finally, the proclamation does not apply to any foreign national whose entry would further important U.S. law enforcement objectives; any member of the U.S. Armed Forces and any spouse or child of a member of the U.S. Armed Forces; any alien seeking to enter the U.S. pursuant to a Special Immigrant Visa; or any alien whose entry would be in the national interest.

The proclamation is very limited in scope and will temporarily suspend immigrant processing for certain immigrants who are residing outside the U.S. As previously stated, the proclamation does not impact nonimmigrant visa holders, however, the proclamation requires that within 30 days of the effective date, the Secretaries of Labor and Department of Homeland Security, in consultation with the Secretary of State, will review nonimmigrant programs and recommend to the president other appropriate measures to stimulate the U.S. economy and ensure “the prioritization, hiring, and employment” of U.S. workers.