

## Executive Order: Goes into effect on April 24, 2020

### SUSPENSION OF ENTRY OF IMMIGRANTS WHO PRESENT A RISK TO THE UNITED STATES LABOR MARKET DURING THE ECONOMIC RECOVERY FOLLOWING THE 2019 NOVEL CORONAVIRUS OUTBREAK

**Effective Date.** April 24, 2020 (Friday)

#### **Who is impacted by the EO?**

Contrary the stated economic rationale for the Proclamation, the Proclamation targets family based immigration and constitutes a new form of family separation.

The Proclamation is an attempt to prevent individuals seeking to obtain a green card from entering the US under the rationale that the U.S economy is in dire straits and the only way to protect our economy is to prevent new immigrants from arriving.

United States citizens will be impacted because as the proclamation is written they will not be able to reunify with their parents, siblings and adult children. Under the Proclamation, Legal Permanent Residents will be kept apart from their spouses and children.

Break down of impacted individuals:

- (1) Individuals currently ***outside of the United States*** that ***are seeking a green card***;
- (2) Individuals that do not have an immigrant visa that is valid on the effective date of this proclamation (this can apply to individuals in the United States but it is unclear whether or not individuals who have started immigration applications and are waiting for a visa will be impacted);
- (3) ***Do not have an official travel document other than a visa*** (such as a transportation letter, an appropriate boarding foil, or an advance parole document) ***that is valid on the effective date of this proclamation or issued*** on any date thereafter that permits him or her to travel to the United States and seek entry or admission.
- (4) ***Adult children (over 21) and parents of U.S citizens who are currently outside the country who are seeking to immigrate and reunify with family.***
- (5) ***All family (spouses, minor and adult children, parents etc) of Legal Permanent Residents who are outside of the country and seeking to immigrate.***

#### **Who is not Included in the EO?**

- Any **lawful permanent resident of the United States** (this is because it would defy the Constitution).
- Any individuals seeking to enter the United States on an immigrant visa as:
  - **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,
    - Secretary of State, the Secretary of Homeland Security, or their respective designees will determine whether someone meets health care requirements
  - and any spouse and unmarried children under 21 years old of any such alien who are accompanying or following to join the alien;
- Individuals seeking entry under **the EB-5 Immigrant Investor Program**;
- **U.S. Citizens' spouses and children under 21 years of age**; or who is a prospective adoptee seeking to enter the United States pursuant to the IR-4 or IH-4 visa classifications;
- Individuals whose entry would further important **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;
- Any member of the **United States Armed Forces and any spouse and children of a member of the United States Armed Forces**;
- **Afghan and Iraqi SIVs**. 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
- Individuals whose entry would be in the **national interest**, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees.

**Refugees and Asylum seekers are *for the most part* are not impacted:**

- Per the Proclamation: "Nothing in this proclamation shall be construed to limit the ability of an individual to seek asylum, refugee status, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, consistent with the laws of the United States."
- At this point, this EO does not bar refugees/asylees and their families already in the country from applying for green cards (when the offices open). ***Refugees who adjust their status to Legal Permanent Residency will not be able to bring their family including children and spouses to the US.***

**On what grounds is the President justifying the EO?**

- **Economic.** "Lawful permanent residents, once admitted, are granted "open-market" employment authorization documents, allowing them immediate eligibility to compete for almost any job, in any sector of the economy."

- **Healthcare.** To preserve our healthcare supplies and system so we protect Americans and the existing immigrant population.

**How long will the EO last?**

- **60 days, June 20, 2020 (approx.), however it will be reviewed end of June to assess whether or not it will be extended.**

Proclamation “50 days from the effective date of this proclamation, the Secretary of Homeland Security shall, in consultation with the Secretary of State and the Secretary of Labor, recommend whether this Proclamation should continue or if it will be modified”