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## What is the Impact of President Trump's Temporary Immigration Suspension?

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In light of the impact of COVID-19 on the U.S. labor market, on Monday President Trump tweeted “I will be issuing a temporary suspension of immigration into the United States.” Yesterday, the President signed an Executive Order with a much more limited scope that only temporarily suspends U.S. Embassies from issuing green cards (permanent residency) for immigrants applying outside the U.S. for 60 days. Because 90% of green card applicants are in the U.S. and apply through the US Citizenship and Immigration Service rather than U.S. Embassies, most green card applicants will not be affected. Even those applicants outside the U.S. who might have been impacted by the Executive Order already faced closures of U.S. Embassies around the world due to COVID-19. The Executive Order, as written, will not impact existing green card holders, permanent residency applicants with pending applications at USCIS, immigrant workers with temporary work visas such as the H-1B, L-1, or TN visas. The Executive Order also exempts healthcare professionals, spouses and children of U.S. citizens, and immigrant investors. The Department of State and the Department of Homeland Security may issue policy memos in the next few days which will explain how the Executive Order will be implemented.

One of the more concerning aspects of the Executive Order is a request to the Department of Homeland Security, Department of State, and Department of Labor to “review nonimmigrant programs,” such as H-1B, TN, and L-1 visas, and recommend other measures to stimulate the U.S. economy and ensure the prioritization, hiring, and employment of United States workers. While no measures have been proposed yet, past recommendations have focused on elevating adjudication standards, raising immigration application fees, introducing requirements to conduct labor market tests to locate qualified U.S. workers before hiring foreign workers, or limiting the work authorization of dependent spouses. These federal agency recommendations will be provided to the President in 30 days, and may result in additional measures.

### **Who this Order affects:**

From April 23, 2020 to June 22, 2020, immigrants currently outside the U.S. will be refused entry if they:

- **Do not** have either an immigrant visa that is valid as of the effective date above, OR
- **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 above, or issued on any date thereafter that permits them to travel to the

United States and seek entry or admission.

**Who this Order does not affect:**

- Foreign nationals living and working in the United States who seek to become green-card holders
  - Additionally, the order will not affect the adjudication of PERMs, I-140s, or I-485s for these individuals
- Foreign nationals currently in the United States on non-immigrant visas (such as H-1B, L-1, or TN visas)
- Foreign nationals outside the U.S. seeking to enter the United States on non-immigrant visas (such as H-1B, L-1, or TN visas)
- Agricultural H-2A guest workers
- Lawful permanent residents or green card holders
- Foreign nationals who seek to enter the United States on an immigrant visa for a position in the healthcare field (physician, nurse, medical research) or a related field that helps to fight COVID-19, and their spouse and unmarried children under 21 years old
- Foreign nationals applying for the EB-5 Immigrant Investor Program
- Foreign national who is the spouse of a United States citizen or who is under 21 years old and is the child of a United States citizen
- Asylees, refugees, or Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment applicants
- Foreign nationals in the United States Armed Forces and any spouse and children of a member of the United States Armed Forces
- Foreign nationals entering for national interest purposes

**What Happens Next:**

- The order indicates that no later than 50 days from April 23, 2020 (June 12, 2020) the Secretary of Homeland Security, Secretary of State, and Secretary of Labor will recommend whether the order will be continued or modified.
- The order also states that within 30 days of April 23, 2020 (May 23, 2020) the Secretary of Homeland Security, Secretary of State, and Secretary of Labor will “review nonimmigrant programs” (such as H-1B, TN, and L-1 visas) and recommend other measures to stimulate the U.S. economy and ensure the prioritization, hiring, and employment of United States workers.