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Understanding President Trump's Latest Executive Order on Immigration

On April 22, 2020, President Trump signed an Executive Order that prevents U.S. Consulates from issuing immigrant visas to applicants for U.S. Lawful Permanent Residence status who are currently located outside the United States, with some limited exceptions. This Executive Order will affect only a very limited number of people and does not impact foreign nationals who are currently in the United States in valid immigration status, including those who may be applying for U.S. Lawful Permanent Residence through an application to adjust status to permanent resident with U.S. Citizenship and Immigration Services (USCIS). The Executive Order takes effect on April 23, 2020, for 60 days.

Importantly, this present Executive Order does **not** affect:

Foreign nationals who are currently in the United States in H-1B, L-1, O-1, TN, or any other nonimmigrant work-authorized immigration status or their dependents.

F-1 and M-1 Students and J-1 Exchange Visitors, including those who are working pursuant to Optional Practical Training.

Foreign nationals who are currently in the United States and who have filed or who seek to file an application for U.S. Lawful Permanent Residence (“adjustment of status” application) with U.S. Citizenship and Immigration Services, including those whose employers have undertaken the Labor Certification Application process with the U.S. Department of Labor.

Foreign nationals who are outside of the United States and seeking to apply for a nonimmigrant, or temporary, U.S. visa from a U.S. Consulate to enter the United States. (Please see note below about U.S. Consulate closures.)

U.S. Lawful Permanent Residents who are currently abroad and seek to travel to the United States.

Foreign nationals who seek to enter the United States on an immigrant visa to work as a healthcare professional or to conduct research or other work essential to combating the COVID-19 outbreak.

Foreign nationals who are married to or a child of a U.S. citizen.

Additional restrictions may be imposed on foreign nationals in the future. The Executive Order requires the agencies responsible for immigration benefits to review nonimmigrant programs and recommend other measures to stimulate the U.S. economy and ensure the prioritization, hiring, and employment of United States workers.

Update on U.S. Consulate and U.S. Citizenship and Immigration Services Field Office Closures

Although there are broad exceptions to this Executive Order, U.S. Consulates continue to suspend non-emergent services, including issuance of visas. Most U.S. Consulates are closed until at least June. This means that foreign nationals who are outside of the United States without a valid visa are unable to obtain any type of visa to travel to the United States. USCIS Field Offices, which adjudicate applications for U.S. Lawful Permanent Residence, also remain closed through at least May 3 and likely longer.

Finally, the travel bans imposed by the United States in March all remain in effect. This includes all countries in the Schengen area, China, Iran, United Kingdom, Ireland. Foreign nationals who have spent any amount of time in any of these countries within the past 14 days are prohibited from traveling to the United States, with some exceptions.

Contact us

If you have further questions or require more information regarding this update, please contact Christine Fabin, Kelli Meilink or your Husch Blackwell attorney.

Comprehensive CARES Act and COVID-19 guidance

Husch Blackwell's CARES Act resource team helps clients identify available assistance using industry-specific updates on changing agency rulemakings. Our COVID-19 response team provides clients with an online legal Toolkit to address challenges presented by the coronavirus outbreak, including rapidly

changing orders on a state-by-state basis. Contact these legal teams or your Husch Blackwell attorney to plan a way through and beyond the pandemic.