

New Executive Order Limits Green Card Options

By [Elizabeth M. Klarin](#)

April 23, 2020 | **IMMIGRATION**

President Trump has signed his latest Executive Order limiting immigration, which will become effective as of 11:59 p.m. tomorrow, April 23rd. While the limitations apply only to certain foreign nationals seeking immigrant visas or who have otherwise demonstrated immigrant intent, there are some important exceptions to this rule laid out in the Executive Order as well, and insights into possible next moves by the U.S. government to limit immigration further in the future.

Who Is Impacted by the New Executive Order Limiting Immigration to the United States?

The Executive Order limits the issuance of Green Cards and entry by certain intending immigrants, including for foreign nationals who are:

1. Outside the United States as of 11:59 p.m. on April 23rd (the effective date of the proclamation);
2. Do not have an immigrant visa that is valid on April 23rd; and
3. Do not have an official travel document other than a visa (i.e., transportation letter, boarding foil, or advance parole document) that is valid on April 23rd, or issued on any date thereafter that permits the individual to travel to the United States and seek entry or admission to the United States.

For intending immigrants present in the United States and wishing to apply for Lawful Permanent Resident status by requesting adjustment of status in-country, the Executive Order does not appear to limit either (1) their ability to apply for adjustment of status, or (2) the continued issuance of advance parole (travel authorization) documents and employment authorization documents related to valid Green Card applications. Rather, the limitation appears to only apply to those outside the U.S. as of tomorrow at 11:59 p.m., who wish to apply for or be granted an immigrant visa at a U.S. Embassy or Consulate abroad.

Who is Not Impacted by the New Restrictions?

The Executive Order limiting entry by intending immigrants and the issuance of immigrant visas specifically does not apply to:

- Lawful Permanent Resident of the United States;
- Foreign nationals seeking to enter the United States on an immigrant visa:
 - as a physician, nurse, or other healthcare professional;
 - to perform medical research or other research intended to combat the spread of COVID-19;
 - to perform work essential to combating, recovering from, or otherwise alleviating the effects of the COVID-19 outbreak, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective

designees; and

- any spouse and unmarried children under 21 years old of any such alien who are accompanying or following to join the alien.
- Foreign nationals applying for visas to enter the United States pursuant to the EB-5 Immigrant Investor Program;
- Foreign national spouses of United States citizens;
- Any foreign national under 21 years old who is a child of a United States citizen, or who is a prospective adoptee seeking to enter the United States pursuant to the IR-4 or IH-4 visa classifications;
- Any foreign national 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;
- Members of the United States Armed Forces and any spouse and children of a member of the United States Armed Forces;
- Foreign nationals seeking to enter the United States pursuant to a 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
- Foreign nationals whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees.

How Long Will the Order Limiting Green Card Benefits Remain in Place?

The Executive Order will expire 60 days from today, but specifically notes that the terms of the proclamation “may be continued as necessary” after the 60-day time frame. A decision on whether to continue or modify the proclamation will be made at any time prior to 10 days before the expiration of the current order.

Possible Updates to the Availability of Nonimmigrant Benefits Coming

Today’s Executive Order also states that “within 30 days of the effective date of this proclamation, the Secretary of Labor and Secretary of Homeland Security, in consultation with the Secretary of State, shall *review nonimmigrant programs* and shall *recommend...other measures* appropriate to stimulate the United States economy and ensure the prioritization, hiring and employment of United States workers.” It is plain that nonimmigrant visas and the granting of status will also be under the microscope in the coming weeks. It is possible that the U.S. government could put limitations on the granting of nonimmigrant benefits and/or status in the near future as well.

How Do I Find Out If This Impacts Me, and Best Next Steps?

Please reach out to your Lippes Mathias immigration professional to find out more about whether and how this Executive Order impacts your specific situation. Our seasoned professionals can help you determine options and actions to help you achieve your short- and long-term U.S. immigration objectives, in light of the rapidly changing immigration policy environment created by the COVID-19 pandemic.

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