

GMS Flash Alert

Immigration Edition

2020-198 | April 27, 2020



United States - Presidential Proclamation Temporarily Suspends Entry for Certain Immigrants

On April 22, 2020, U.S. President Donald Trump signed a proclamation implementing a 60-day suspension on the entry of certain immigrants to the United States (U.S.).¹ The president indicated that the suspension aims to protect U.S. workers and preserve critical medical resources for Americans. The proclamation took effect at 11:59 p.m. EDT on April 23, 2020, and may be extended beyond the initial 60-day period. (For prior coverage, see GMS [Flash Alert 2020-189](#), April 22, 2020.)

Persons subject to the suspension include those who:

- were outside of the U.S. as of 11:59 p.m. EDT on April 23, 2020;
- do not have an immigrant visa valid on the effective date of the suspension; and
- do not have an official document other than a visa (ex. transportation letter, boarding foil, or advance parole document) that is valid on or after the proclamation takes effect that would allow travel to the U.S. to seek entry or admission.

WHY THIS MATTERS

At this stage, given that the U.S. Department of State has suspended visa services indefinitely due to the global pandemic and the U.S. has already implemented COVID-related entry bans on travelers from several countries, the impact of the suspension outlined in President Trump's proclamation is unclear.² The impact will, however, be significant in the event that the suspension remains in effect even after U.S. Consulates and Embassies resume normal operations.

While PERM labor certification applications, immigration visa petitions, adjustment of status applications, and petitions for nonimmigrant workers are unaffected by the proclamation signed by President Trump on April 22, it is advisable to urgently file as many such applications and petitions as possible in case the situation should change.

Exemptions

The proclamation specifically exempts the following individuals from the suspension on entry:

- Lawful permanent residents;
- Foreign nationals seeking to enter the U.S. on an immigrant visa as a health-care professional, medical researcher, or other “essential” worker, along with accompanying spouses and dependent children;
- Foreign nationals applying to enter the U.S. as an EB-5 investor;
- Spouses and dependent children of U.S. citizens;
- Prospective adoptees in the IR-4 or IH-4 categories;
- Foreign nationals whose entry would further important law enforcement objectives;
- Members of the United States Armed Forces, as well as their accompanying spouses and children;
- Foreign nationals seeking entry as a Special Immigrant in the SI or SQ classification, along with their spouses and children; and
- Foreign nationals whose entry is considered to be in the national interest.

Other Foreign Nationals Not Impacted

The proclamation does not apply to employees currently being sponsored for PERM labor certification. In addition, beneficiaries of an immigrant visa petition and applicants for adjustment of status to Permanent Resident are not affected by the suspension that took effect at 11:59 p.m. EDT on April 23, 2020.

KPMG NOTE

The proclamation has no immediate impact on nonimmigrants, including visitors, students, and temporary workers. The proclamation does, however, provide the U.S. Department of Homeland Security and the U.S. Department of Labor 30 days to review nonimmigrant visa programs and recommend other measures to help ensure the prioritization, hiring, and employment of U.S. workers. This mandate leaves open the possibility that certain temporary foreign workers may be subject to restrictions in the foreseeable future.

KPMG Law LLP will track this matter closely. We will endeavor to keep readers of *GMS Flash Alert* informed of any new developments as and when they occur. We will also guide employers and foreign national employees through the consequences of the Presidential Proclamation signed on April 23, 2020.

FOOTNOTES:

1 For the Presidential Proclamation, see: <https://www.whitehouse.gov/presidential-actions/proclamation-suspending-entry-immigrants-present-risk-u-s-labor-market-economic-recovery-following-covid-19-outbreak/> .

For a related White House fact sheet, see: <https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-honoring-commitment-protect-american-workers-temporarily-pausing-immigration/>

2 For related coverage, see the following issues of *GMS Flash Alert*: [2020-194](#) (April 23, 2020), [2020-110](#) (March 25, 2020), [2020-065](#) (March 17, 2020), [2020-059](#) (March 15, 2020), [2020-055](#) (March 12, 2020), [2020-051](#) (March 9, 2020), and [2020-050](#) (March 6, 2020).

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New Article in [Mobility Matters!](#)

[“COVID-19 – Potential Impact on Expatriate Travel and Tax Costs”](#)

By Melissa Duffy and Carolyn Chambers, KPMG International member firm in South Africa

So much is changing every day as the impact of COVID-19 transforms the way we live and work. With travel restrictions, travel bans, border closures, “stay at home” and “shelter in place” policies, implemented to stem the spread of COVID-19, business patterns and employee work routines, and places of work, have been turned on their heads. As Carolyn Chambers and Melissa Duffy, KPMG professionals in South Africa, explain, this could lead to immigration status disruptions and increased tax costs. Read the [article](#).

Contact us

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