

The Proclamation Suspending Immigration

APRIL 29, 2020

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LAW CENTER
— of MINNESOTA —



Introduction

- The Immigrant Law Center of Minnesota (ILCM) provides free immigration legal services to low-income immigrants and refugees in Minnesota.
- This presentation provides general information about the recent proclamation, but it is not legal advice. Contact a qualified immigration attorney about your situation.
- The focus of this presentation is family and humanitarian immigration, not employment immigration.

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What were the restrictions on travel before the proclamation?

- Most visa services at U.S. embassies and consulates have been suspended since March 20, 2020.
- U.S. borders with Canada and Mexico are closed for non-essential travel until at least May 20, 2020.
- There are a number of travel bans in place for non-citizens who have been in countries hard hit by COVID-19.
- There are also travel bans on some immigrants who are seeking to come to the United States from the following countries: Burma (Myanmar), Eritrea, Iran, Libya, Kyrgyzstan, Nigeria, North Korea, Somalia, Sudan, Syria, Tanzania, Venezuela, and Yemen.



What does the proclamation do?

The proclamation stops you from entering the United States if you are:

- Outside the United States on the effective date.
- Do not have an immigrant visa that is valid on the effective date.
- Do not have a travel document other than a visa (such as parole) that is valid on the effective date or after that permits entry to the United States.



How long is the proclamation in effect?

The proclamation went into effect April 23, 2020 at 11:59 p.m. This is the “effective date.”

The proclamation will be in effect for at least 60 days through June 22. It could be extended.

Who will be denied entry or a visa based on this proclamation?

Individuals who are seeking immigrant visas because they are:

- The parents of U.S. citizens
- The unmarried sons or daughters who are 21 years or older of U.S. citizens unless treated as under 21 under the Child Status Protection Act
- The spouses and unmarried children who are under the age of 21 of lawful permanent residents (green card holders)
- The unmarried sons or daughters who are 21 years or older of lawful permanent residents (green card holders)
- The married sons and daughters of U.S. citizens
- The brothers and sisters of U.S. citizens
- Seeking to participate in the diversity visa lottery



Who should not be denied entry or a visa based on this proclamation?

- Lawful permanent residents (green card holders)
- Individuals who are seeking non-immigrant visas, which include but are not limited to:
 - Tourist and visitor visas
 - U visas for victims of serious crimes and T visas for victims of trafficking
 - K visas for the fiancés and spouses of U.S. citizens and their children
 - Temporary employment visas, such as H2As (seasonal agricultural workers), H1As (seasonal non-agricultural workers), and H1Bs (specialty jobs)
 - International students on student visas



Who should not be denied entry or a visa based on this proclamation? (Cont'd)

- Individuals who are seeking immigrant visas because they are
 - Spouses of U.S. citizens
 - Unmarried children under 21 of U.S. citizens
 - Prospective adoptees of U.S. citizens
 - Members of the United States military and their spouses and children



Who should not be denied entry or a visa based on this proclamation? (Cont'd)

- Individuals who are seeking immigrant visas because they are
 - Doctors, nurses, or other healthcare professionals
 - Individuals seeking to enter the United States to perform medical research or other research intended to combat the spread of COVID-19
 - Individuals applying for the EB-5 Immigrant Investor Program
 - Individuals applying for Special Immigrant Visas as an Afghan or Iraqi translator/interpreter or U.S. Government Employee and their spouses and children
 - Individuals whose entry is important to United States law enforcement objectives or the national interest



Who should not be denied entry or a visa based on this proclamation? (Cont'd)

The proclamation does not prevent an individual from seeking asylum, refugee status, withholding of removal or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, under the laws of the United States.

However, previous orders mean that anyone seeking asylum at the southern border is being turned away.

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Is there a way to apply for an exception?

An individual who is covered by the proclamation could apply for parole, which is a way to be temporarily admitted to the United States.

Could the proclamation be extended or expanded?

The proclamation is in effect for 60 days, but the President could extend it.

Also, the President has requested a review of nonimmigrant visa programs within 30 days to determine if he should restrict individuals entering on those visas to protect workers in the United States.



Is there a punishment for violating the proclamation?

If an individual is covered by the proclamation but enters the United States through fraud, willful misrepresentation of a material fact, or illegal entry, the individual will be a priority for removal.



Frequently Asked Questions



I am in the United States. Does this proclamation affect me?

No. The proclamation applies only to individuals who are outside of the United States.



I have a green card, but I am currently outside of the United States. Can I still re-enter the United States?

Yes. This proclamation does not apply to lawful permanent residents (green card holders).



I am a U.S. citizen and I filed a petition for my children to immigrate. We are waiting for an interview to be scheduled. Will this proclamation affect the processing of my children's applications?

It depends on the ages of your children.

If your child is under 21 years of age, this proclamation does not apply to them and should not affect the processing of the child's application.

If your child is 21 years or older, this proclamation does apply, and the child will not be permitted to enter the United States as an immigrant while the proclamation is in effect.

However, if your child is protected by the Child Status Protection Act, they should be treated as if under 21.

If your child is between the ages of 20 and 21, you should contact a qualified immigration attorney as soon as possible.

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I am a U.S. citizen, and I filed a petition for my parents to immigrate. We are waiting for an interview to be scheduled. Will this proclamation affect the processing of my parents' applications?

Yes. This proclamation does apply, and your parents will not be permitted to enter the United States as immigrants while the proclamation is in effect.

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I am a lawful permanent resident (green card holder), and I filed petitions for my family members to immigrate. Will this proclamation affect the processing of my family members' applications?

Yes. This proclamation does apply to immigrant visa petitions filed by lawful permanent residents or green card holders for their family members to join them based on their family relationship. Your family members will not be permitted to enter the United States as immigrants while the proclamation is in effect.

*****If you received your green card because you were a refugee/asylee AND you filed an I-730 petition for your family member, the answer is different.*****

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I am a refugee/asylee (or I have a green card because I am a refugee/asylee) and I have filed I-730 petitions for my family members to join me here. Will this proclamation affect the processing of my family members' applications?

The proclamation does not prevent an individual from entering the United States as a refugee with an approved I-730 petition.

However, if you filed another type of petition for your family members, the proclamation likely applies and your family members will not be permitted to enter the U.S. as an immigrant while the proclamation is in effect.

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I am a victim of crime and have a U visa (or I have a green card because I previously had a U visa). I have filed I-929 petitions for my family members to join me here. Will this proclamation affect the processing of my family members' applications?

Yes, it could because an I-929 seeks an immigrant visa.



I was a victim of domestic violence and have protection under VAWA (or I have a green card because I previously had protection under VAWA). I filed for my family members to join me here based on my protection under VAWA. Will this proclamation affect the processing of my family members' applications?

It depends.

The proclamation does not apply and your family member should be permitted to enter the United States as an immigrant if you received protection under VAWA because you were abused by a U.S. citizen spouse.

The proclamation does apply and your family member will not be permitted to enter the United States as an immigrant while the proclamation is effect if you received protection under VAWA:

- Because you were abused by a spouse or parent who had a green card; or
- Because you were abused by a U.S. Citizen son or daughter

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Contact ILCM

Non-detained intake

Call 651-641-1011 or 1-800-223-1368

- Mondays, Tuesdays, and Wednesdays from 9 a.m.-4 p.m.
- Thursdays from 1 p.m.-7:30 p.m.

Detained intake

Call 651-641-1011

- Mondays: 2 p.m.-4 p.m.
- Thursdays: 10 a.m.-12 p.m.



Questions?

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