



## **Frequently Asked Questions: Presidential Proclamations Suspending Immigration and Their Effect on Family-Based and Humanitarian Immigration**

This document is current as of June 23, 2020. On June 22, 2020, the president extended his April 22 order barring most immigrants to December 31, 2020. He also expanded the order to cover many non-immigrant visas, including H-1B visas (highly skilled worker), H-2B visas (non-agricultural seasonal worker), most J visas (cultural exchange), and L visas (intra-company transfers.) Here is a printable PDF version of the frequently asked questions.

### **I am in the United States. Do these proclamations affect me?**

No. The proclamations apply 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. These proclamations do not apply to lawful permanent residents (green card holders).

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

It depends on the ages of your unmarried children. If your unmarried child is under 21 years of age, this proclamation does not apply to them and should not affect the processing of their application.

If your unmarried child was 21 years or older when an immigrant visa application was filed for the unmarried child, this proclamation does apply, and they will not be permitted to enter the United States as an immigrant while the proclamation is in effect.

However, if your unmarried child is now 21 years or older but was younger than 21 years when an immigrant visa petition was filed for them, they could be treated as if under 21, if

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This information is not legal advice. Consult a qualified immigration attorney for advice about your situation.

found eligible for a “national interest” exemption. This was included in the June 22 proclamation.

**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 these proclamations affect the processing of my parents’ applications?**

Yes. The proclamations do apply, and your parents will not be issued a visa to enter the United States as immigrants while the proclamations are in effect.

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

Most likely, yes. This proclamations do 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 issued a visa to enter the United States as immigrants while the proclamations are in effect.

**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 these proclamations affect the processing of my family members’ applications?**

No. The proclamations do not prevent an individual from entering the United States as a refugee with an approved I-730 petition.

**I am not covered by these proclamations. Can I apply for a visa?**

Yes, you can apply but be aware that these proclamations could be extended and prevent the issuance of the visa. Further, the June 22 proclamation is one of at least 48 immigration policy and procedure changes ordered since February 2020. [One of those proclamations indefinitely suspends](#) all routine immigrant and nonimmigrant visa appointments, effectively pausing almost all legal immigration to the U.S.

**I have an immigrant visa petition pending, and I am covered by this proclamation. Should I just apply for a tourist visa or visitor visa so I can come into the country?**

There is a very high chance that the government will decide that you have committed fraud by asking for a nonimmigrant visa. This could jeopardize your chances of ultimately obtaining an immigrant visa and could lead to your removal. Instead, you should contact a qualified immigration attorney to explore the possibility of applying for advance parole.

**Is anyone challenging these proclamations in court?**

There are already legal challenges to the April 22 proclamation, and there will likely be similar challenges to the June 22 proclamation. The legal challenges could affect the implementation of the proclamations. Please consult our website at [www.ilcm.org](http://www.ilcm.org) or follow us on Facebook ([@immigrantlawcentermn](https://www.facebook.com/immigrantlawcentermn)) for the latest developments on this and other immigration issues.

**An Important Reminder**

At the time this fact sheet was prepared, all U.S. consulates were closed for routine visa processing services for everyone. Therefore, whether or not the President's most recent proclamation applies to you or your family, you may not be able to have a visa processed abroad at this time.

**Get Help**

The Immigrant Law Center of Minnesota (ILCM) provides free immigration legal services to low-income immigrants in a variety of immigration matters. For more information about how we can assist you, please visit our website at [www.ilcm.org](http://www.ilcm.org) or call us at (651) 641-1011.