

President Trump's Travel Ban on Certain Intending Immigrants During the COVID-19 Pandemic

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On April 22, 2020, President Trump issued a Proclamation suspending the entry into the U.S. of certain people seeking to become lawful permanent residents (LPRs, meaning green card holders). The Proclamation is effective as of 11:59pm on April 23, 2020, and is set to expire 60 days later, though it might be extended.

To Whom Does the Proclamation Apply?

The Proclamation applies to people seeking LPR status:

- who are outside the U.S. on its effective date;
- who do not have an immigrant visa (meaning a visa for LPR status) that is valid on the effective date of the Proclamation; and
- who do not have an official travel document other than a visa (such as a transportation letter, appropriate boarding foil, or an advance parole document).

Are There Exceptions?

Yes. The Proclamation does **not** apply to people who are already LPRs.

It also does **not** apply to those people outside the U.S. who are applying for immigrant visas and are trying to come to the U.S. to obtain LPR status:

- as a U.S. citizen's spouse or minor, unmarried child under 21 years of age, including certain prospective adoptee children;
- as a physician, nurse, other healthcare professional, as well as their spouse or unmarried child under 21 years of age;
- as a medical researcher or other researcher intending to combat the spread of COVID-19, as well as their spouse or unmarried child under 21 years of age;
- to perform work essential to combating, recovering from, or otherwise alleviating the effects of the COVID-19 outbreak, as well as their spouse or unmarried child under 21 years of age;
- under the EB-5 Immigrant Investor Program;
- to further important U.S. law enforcement objectives (though those are undefined);
- as members of the U.S. Armed Forces, and their spouse or unmarried child under 21 years of age;
- as certain Special Immigrant Visa holders, and their spouse or unmarried child under 21 years of age; or
- whose entry would be in the national interest.

What About Non-immigrant Visas?

The Proclamation does **not** ban people trying to come to the U.S. on non-immigrant (temporary) visas, though it hints that non-immigrant visas may be targeted within the next 30 days.

What About People Already Inside the U.S.?

The Proclamation does **not** apply to people already inside the U.S. and seeking immigrant or non-immigrant visas. It only limits entry to the U.S. by certain immigrant visa seekers outside the country on the effective date of the Proclamation.

What About Asylum Seekers?

The Proclamation does **not** limit the ability of people seeking asylum, refugee status, withholding of removal, or protection under the Convention Against Torture.

Is There a Waiver Process?

Although there is not a formal process to seek a waiver of the travel ban, the Proclamation does have a general catch-all provision allowing affected people to be allowed into the U.S. if they can prove that their entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or someone either Secretary designates.

If you have any questions or need assistance, please call our Immigration Helpline at 844-955-3425 from 9:00am-5:00pm, Monday through Friday.