



COVID-19-Related Suspension of Immigrant Entry

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On June 22, President Trump issued [a proclamation](#) that, among other provisions, extends [Proclamation 10014](#) issued April 22 suspending the entry into the United States of certain aliens (foreign nationals) who are seeking lawful permanent resident (LPR) status (i.e., immigrants). Both proclamations justify the suspension as protecting American workers from foreign labor market competition during a time of high domestic unemployment and reduced demand for workers caused by the coronavirus pandemic. Both proclamations rely on two immigration-related legal authorities. Under the Immigration and Nationality Act (INA), §212(f) ([8 U.S.C. §1182\(f\)](#)), the President may suspend immigration when it would harm U.S. interests. Under INA §215(a) ([8 U.S.C. §1185\(a\)](#)) the President may prescribe limitations and exceptions on who may enter or depart the country.

How long will the suspension last?

Proclamation 10014, effective April 24, 2020, lasted 60 days. The second proclamation, effective June 24, 2020, extends the immigrant provisions of Proclamation 10014 until December 31, 2020. It also states that it “may be continued as necessary.” It requires the Secretaries of the Departments of Homeland Security (DHS), State (DOS) and Labor (DOL) to consult every 60 days to recommend to the President any needed modifications.

Who is included in the suspension?

Section 2(a) of Proclamation 10014 lists three criteria for determining which foreign nationals’ entries into the United States as immigrants are suspended. The foreign nationals affected must

- be outside of the United States as of April 24, 2020;
- lack a valid visa as of April 24, 2020; and
- lack an official travel document other than a visa that is valid as of April 24, 2020 or issued thereafter. Examples of documents that permit foreign nationals to travel to the United States and seek admission include [a transportation letter](#), [a boarding foil](#), or an [advance parole](#) document.

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Specifically, Proclamation 10014 curtails the overseas portion of four major pathways to acquiring LPR status: as family-based *immediate relative* parents of adult U.S. citizens, family-based *preference immigrants*, *employment-based immigrants*, and *Diversity Visa* immigrants.

Who is exempted from the suspension?

Section 2(b) of Proclamation 10014 exempts nine groups of overseas foreign nationals from the suspension:

1. those who possess LPR status;
2. those seeking to enter the United States on immigrant visas to work as healthcare professionals or perform COVID-19-related research or work essential to alleviating the effects of the coronavirus pandemic, as well as their spouses and children;
3. those applying for an *EB-5 immigrant investor visa*;
4. spouses of U.S. citizens;
5. minor children of U.S. citizens;
6. those whose entry would further important U.S. law enforcement objectives;
7. members of the U.S. Armed Forces and their spouses and children;
8. those seeking to enter the United States on a *Special Immigrant Visa from Iraq or Afghanistan* who served as employees of the U.S. government, and their spouses and children; and
9. those whose entry would be in the national interest.

Proclamation 10014 does not affect foreign nationals already residing in the United States who seek to adjust to LPR status from a *temporary (nonimmigrant) visa*. It also does not affect foreign nationals seeking U.S. admission as nonimmigrant foreign workers. (For more information on how the second proclamation affects nonimmigrant workers, see CRS Insight IN11435)

Agency Guidelines

Proclamation 10014 provides limited guidance for agencies charged with its implementation. It states that DOS consular officers shall determine whether a foreign national meets the exemption criteria outlined in Section 2(b). Following each agency's normal immigration processing role, DOS is to implement the proclamation as it applies to visas in consultation with DHS, and DHS is to implement the proclamation as it applies to entry of foreign nationals in consultation with DOS.

What are some implications of this suspension?

The immediate impact of the second proclamation is unclear, given that DOS had already *suspended overseas visa processing* as of March 20, 2020. LPR issuance figures from prior years provide some indication of how many prospective immigrants may be affected. In FY2018, 79,937 individuals acquired LPR status annually as overseas family-based *immediate relative* parents of U.S. citizens. For overseas family-based *preference* immigrants, the figure was 204,115; for *employment-based* (EB) immigrants (the first four of the five EB preference categories), it was 19,900; and for diversity immigrants, it was 44,233. Summed together, the overseas portion of these four groups totals 348,185, which represented 66% of all overseas-based foreign nationals granted LPR status that year, and 32% of *all foreign nationals granted LPR status* (based overseas or in the United States). Applying these FY2018 figures to the initial 60-day duration of Proclamation 10014 yields an estimate of 58,031 foreign nationals who may have been temporarily denied LPR status, and to the extension of the suspension for the remainder of calendar year

2020 under the second proclamation yields an estimate of 179,816 foreign nationals who may be temporarily denied LPR status going forward. Summing the two figures yields an estimate of 237,847 foreign nationals who may be denied LPR status from both proclamations.

With fewer petitions from overseas-based immigrants to adjudicate, and assuming no substantial changes to DHS and DOS resources to adjudicate immigrant petitions, waiting times for U.S.-based prospective immigrants to receive LPR status will likely decrease. However, when the suspension ends waiting times for most LPR adjudications will likely increase, assuming that DHS and DOS prioritize adjudicating petitions of those affected by the suspension.

The second proclamation contains provisions that potentially expand the scope of the suspension. It requires the Secretary of Health and Human Services to advise DOS and DHS on measures to reduce the risk that foreign nationals entering the United States increase the spread of COVID-19. It mandates that the Secretary of Labor consider actions to prevent employment-based immigrants from disadvantaging U.S. workers. It requires the Secretary of Homeland Security to make ineligible for work authorization some foreign nationals who have removal orders; are inadmissible or deportable; or have been arrested for, charged with, or convicted of criminal offenses in the United States.

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