



GMS Flash Alert

Immigration Edition

2020-189 | April 22, 2020

United States - Executive Order Expected to Impact Applicants for Permanent Residence

On April 20, 2020, U.S. President Donald Trump announced via Twitter that he “will be signing an Executive Order to temporarily suspend immigration into the United States.”¹ During a press briefing on April 21, 2020, the president confirmed that the Executive Order will implement a 60-day suspension targeting applicants for permanent residence, with certain exemptions. The Order may potentially be extended and/or expanded, as deemed appropriate.

President Trump further confirmed that the Executive Order to be signed this week will not impact foreign nationals seeking admission to the United States on a temporary basis.² As such, it seems that the forthcoming Executive Order will not affect visitors, students, or nonimmigrant workers, including those in the H-1B, L-1, TN, and E-3 categories. President Trump did not, however, rule out the possibility that visitors, students, and/or temporary foreign workers may be subject to immigration-related restrictions in the future.

WHY THIS MATTERS

The Executive Order discussed by President Trump at the press briefing on April 21, 2020, will impact only persons applying to become a permanent resident of the United States. It is not known exactly how many applicants will be impacted by the suspension to be imposed by the Order, but it is telling that nearly 577,000 foreign nationals were granted lawful permanent residence in FY2019.³

Due to the fact that nonimmigrant visa categories may be subject to a suspension or restriction in the coming weeks, it is advisable for employers to work with immigration counsel to file as many nonimmigrant visa applications as possible before the situation changes. It is important to note that President Trump did not indicate that the Executive Order would affect applications for Permanent Labor Certification, so employers are encouraged to continue filing these applications with the U.S. Department of Labor.

Foreign nationals who have an application for permanent residence in process and those who intend to apply for permanent residence in the foreseeable future should anticipate increased processing times and other delays resulting from the Executive Order.

Still Many Questions

Given that the Executive Order has not yet been released and the Trump administration has not shared all pertinent details related to its contents, there are a number of pressing questions to be addressed:

- Will the suspension impact only those individuals applying for permanent residence from outside of the country, or will it also extend to those already in the United States who are applying to become a permanent resident?
- Will family and employment-based applications for permanent residence both be subject to the suspension?
- Will U.S. Citizenship and Immigration Services (USCIS) still receive permanent residence applications for processing during the suspension?
- Will all processing of permanent resident applications cease during the 60-day period, or will processing continue with the understanding that application approvals will generally be withheld until the suspension has lifted?
- What are the criteria for exemption from the suspension?

The answers to these questions will likely not be known until the Executive Order is published in the *Federal Register*.

KPMG NOTE

KPMG Law LLP will continue to track this matter closely. We will 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 Executive Order once signed.

FOOTNOTES:

- 1 Source: [President Trump's Twitter account/feed](#).
- 2 See C-Span video footage of the entire Coronavirus Task Force Briefing on April 21, 2020, by clicking [here](#).
- 3 Source: <https://www.uscis.gov/news/alerts/uscis-final-fy-2019-statistics-available> .

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Contact us

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