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## President Trump Announces Imminent Signing of Executive Order to Temporarily Suspend Legal Immigration

Late last night, President Trump announced on Twitter that he would be signing an executive order to “temporarily suspend immigration into the United States,” purportedly due to the COVID-19 pandemic and to “protect the jobs” of U.S. citizens. We share our clients’ concerns that we are facing down yet another obstacle to lawful immigration, with potentially devastating consequences to American families and employers. We are committed to assisting our clients navigate these uncertain waters and support efforts to challenge any xenophobic executive overreach.

### What immigration services will be halted – and how will I be affected?

Until an executive order is signed and published, we are left guessing about how wide-ranging the order will be and what exceptions and waivers will exist. Media outlets report that under the order, the Trump administration would temporarily stop approving applications from foreign nationals to live and work in the United States, with exemptions for critical industries. CNN reported this morning that the order will be a temporary 120 day halt on “some” work visas in order to mitigate employment concerns related to the pandemic. Nevertheless, none of the details of a prospective executive order halting immigration have been confirmed.

Regardless, it is important to note that most immigration services are *already* on hold, and entry is prohibited for most individuals coming from China, Iran, the Schengen Area, and the United Kingdom/Ireland. The State Department [suspended routine visa services](#) as of March 20, 2020, limiting consular processing to emergency and mission critical visas. H-2A visas for seasonal guest workers were declared “essential” and continue to be processed. U.S. Citizenship and Immigration Services has also [temporarily suspended in-person services](#), including interviews and biometrics appointments, through at least May 3, 2020. Asylum seekers are no longer permitted to enter the U.S. and refugee resettlement has been put on hold.

The temporary suspensions currently in effect appear to have been motivated by efforts to slow the spread of COVID-19, and focus government resources on emergency services. However, President Trump’s twitter announcement states that this executive order is also intended to protect American workers, which could present very different issues in terms of the timeline and legal justification. Regardless, if applicable, Grossman Young & Hammond recommends that we continue moving forward with the preparation and submission (if possible) of your application for immigration benefits. Information obtained suggests that the President’s order, if it is enforceable, is likely to be temporary and it will be important to be at the “front of the line” when this latest measure is lifted. Also, if other executive orders on immigration are any indication, it is possible that the order when issued could be enjoined by a federal court.

## **Does President Trump have the authority to do this?**

It is unclear what legal authority the president would use to justify a complete halt to legal immigration. However, in 2018, the Supreme Court [did uphold](#) President Trump's travel ban, which prohibited immigration from 8 countries. The Supreme Court justified its ruling based on 8 U.S.C. 1182 that grants the president wide latitude over restricting immigration. Additionally, some [are hypothesizing](#) that the administration could invoke Title 42 that allows the federal government to restrict immigration for public health reasons. Time will tell exactly how the administration plans to implement and justify any policy restricting immigration, and whether legal challenges to a far-reaching order will prevent its implementation.

Grossman Young & Hammond stands in solidarity with foreign nationals seeking to lawfully immigrate to the United States, promoting family unity and playing a critical role in the U.S. economy. As soon as additional information becomes available regarding a new executive order, we will provide further analysis and guidance.