



## Immigration-Related Executive Actions During the COVID-19 Pandemic

Since the start of the COVID-19 pandemic, the Trump Administration has issued at least 46 policy changes affecting almost every facet of the immigration system. Some of these policies have been temporary and a necessary proportional response to the varied effects of COVID-19. Other policies are reasonable changes but are of indefinite duration, allowing restrictions to potentially remain in place long after they are no longer necessary. Yet for some policies, the administration has used the pandemic as pretext to implement dramatic immigration restrictions that have been part of the Trump Administration's immigration agenda since long before the spread of COVID-19.

Due to the sheer volume of these actions and the speed with which they have been implemented, the difference between proportional response and agenda-driven restriction can be obscured. This list seeks to provide some clarity, separating the changes by those impacted and highlighting **indefinite** and particularly **concerning** actions.

### Actions Impacting Vulnerable Populations

#### 1. Asylum Seeker Ban – **Concerning Action**

*Date:*

- First Implemented 3/20/2020 for 30 days ([DHS Statement](#))
- Reimplemented 4/20/2020 for 30 days ([CDC Statement](#))
- Extended indefinitely 5/19/2020 ([CDC Statement](#))

*Summary and Context:*

- Returns, without due process, anyone without authorization to enter the U.S. detained along the southern border to their home country.
- Includes rapid removal of all asylum seekers and unaccompanied children arriving at the border seeking protection, even if they express fear of persecution upon return.
- Asylum restrictions have been a significant part of the administration's immigration agenda, including [numerous efforts by the administration](#) beginning years before the onset of the pandemic.

#### 2. Refugee Entry Suspension – **Concerning Action**

*Date:*

- Implemented indefinitely March 18, 2020 ([State Department Announcement](#))

*Summary and Context:*

- Pauses all refugee resettlement to the U.S. following the suspension of all resettlement activities by the United Nations High Commissioner for Refugees (UNHCR). U.S. volunteer agencies assisting with refugee resettlement remain open.

- Other countries and international organizations dealing with refugees have implemented similar suspensions.

### **3. UAC Placement Restrictions**

*Date:*

- Implemented indefinitely March 10, 2020 ([ORR internal decision](#))
- Expanded on March 26, 2020 ([ORR Statement](#))

*Summary and Context:*

- The Office of Refugee Resettlement (ORR) stops placing unaccompanied alien children (UACs) in homes or shelters near states significant COVID-19 outbreaks. As of March 26, these included California, New York, and Washington.

### **4. MPP Hearings Postponed**

*Date*

- Implemented March 23, 2020 for 30 days ([DHS Statement](#))
- Further postponed April 30, 2020 for 30 days ([DHS Statement](#))
- Further postponed May 10, 2020 for 43 days ([DHS Statement](#))

*Summary and Context:*

- Postpones all hearings for immigrants returned to Mexico under the [Migration Protection Protocols](#).

## **Restrictions on International Travelers**

### **5. Suspension of Legal Immigration – *Concerning Action***

*Date:*

- Implemented April 22, 2020 for 60 days ([Presidential Proclamation](#))

*Summary and Context:*

- Suspends certain categories of permanent immigration from abroad, including pending green card petitioners, spouses and children of lawful permanent residents, and pending diversity visa applicants.
- Requires federal agencies to review nonimmigrant programs to assess potential changes.
- The suspension represents a continuation of [numerous actions restricting legal immigration](#) implemented since the beginning of the administration. This suspension is also the [only](#) COVID-19 linked immigration restriction in the world that has been based on an economic rationale rather than a public health one.

### **6. Worldwide Suspension of Visa Appointments – *Concerning Action***

*Date:*

- Implemented indefinitely March 18, 2020 ([State Department Announcement](#))
- Reimplemented April 23, 2020 ([State Department Statement](#))

*Summary and Context:*

- Cancels all routine immigrant and nonimmigrant visa appointments, effectively pausing almost all legal immigration to the U.S. Only emergency appointments are allowed.
- Some limited nonimmigrant categories associated with the essential workforce have been exempted from appointment requirements.
- Extended in April after the Legal Immigration Suspension to clarify that the visa appointments would also be suspended for those exempt from that Presidential proclamation .

## **7. Chinese Graduate Student Ban**

*Date:*

- Implemented indefinitely May 29, 2020 ([Presidential Proclamation](#))

*Summary and Context:*

- Suspends entry into the U.S. for Chinese nationals on F and J visas (except for undergraduates) who have in the past participated in research or studies connected to the People's Republic of China and its "military-civil fusion strategy"
- The ban would apply only to those who are studying in a field related to the "civil-military fusion strategy."

## **8. China Travel Ban**

*Date:*

- Implemented indefinitely January 31, 2020 ([Presidential Proclamation](#))

*Summary and Context:*

- Bans entry of those who were present in China in the prior two weeks, except for lawful permanent residents (LPRs), U.S. citizens and their direct family members.

## **9. U.S. Citizen Quarantine Requirement – China**

*Date:*

- Implemented January 31, 2020 ([DHS Statement](#))
- Extended indefinitely on April 7, 2020 ([State Department Statement](#))

*Summary and Context:*

- Screening and self-quarantine required for all U.S. citizens who were present in China in the previous two weeks.

## **10. Flight Requirements - China**

*Date:*

- Implemented January 31, 2020 ([DHS Statement](#))
- Modified on February 7, 2020 ([DHS Statement](#))

*Summary and Context:*

- Requires all flights with passengers who have been in China in the last 14 days to undergo screening at one of eleven locations.

- Modified on February 7 to increase the list of authorized screening locations.

### **11. China Visa Suspension**

*Date:*

- Implemented February 1, 2020 for 4 days
- Reimplemented indefinitely February 10, 2020 in certain cities ([Embassy Statement](#))

*Summary and Context:*

- Total closure of embassy visa offices, initially throughout all of China. Extended indefinitely in Chengdu, Guangzhou, Shanghai and Shenyang.

### **12. Iran Travel Ban**

*Date:*

- Implemented indefinitely February 29, 2020 ([Presidential Proclamation](#))

*Summary and Context:*

- Bans entry of those who were present in Iran in the prior two weeks, except for LPRs, U.S. citizens and their direct family members.

### **13. Flight Requirements - Iran**

*Date:*

- Implemented indefinitely March 4, 2020 ([Notice in the Federal Register](#))

*Summary and Context:*

- Requires all flights with passengers who have been in Iran in the last 14 days to undergo screening at one of eleven locations.

### **14. European Travel Ban**

*Date:*

- Implemented indefinitely March 11, 2020 ([Presidential Proclamation](#))

*Summary and Context:*

- Bans entry of those who were present in Europe (Schengen Area) in the prior two weeks, except for LPRs, U.S. citizens and their direct family members.

### **15. Flight Requirements - Europe**

*Date:*

- Implemented indefinitely March 17, 2020 ([Notice in the Federal Register](#))

*Summary and Context:*

- Requires all flights with passengers who have been in the European Schengen Area in the prior two weeks to undergo screening at one of thirteen locations.

### **16. Britain and Ireland Travel Ban**

*Date:*

- Implemented indefinitely March 14, 2020 ([Presidential Proclamation](#))

*Summary and Context:*

- Bans entry of those who were present in Britain and Ireland in the prior two weeks, except for LPRs, U.S. citizens and their direct family members.

### **17. Flight Requirements – Britain and Ireland**

*Date:*

- Implemented indefinitely March 15, 2020 ([DHS Statement](#))

*Summary and Context:*

- Requires all flights with passengers who have been present in Britain and Ireland in the prior two weeks to undergo screening at one of thirteen locations.

### **18. Brazil Travel Ban**

*Date:*

- Implemented indefinitely May 24, 2020 ([Presidential Proclamation](#))

*Summary and Context:*

- Bans entry of those who were present in Brazil in the prior two weeks, except for LPRs, U.S. citizens and their direct family members.

### **19. Restriction of Nonessential Travel on the U.S.-Mexico Border**

*Date:*

- Implemented March 23, 2020 for 30 days ([DHS Statement](#))
- Reimplemented April 21, 2020 for 30 days ([DHS Statement](#))
- Reimplemented May 19, 2020 for 34 days ([DHS Statement](#))

*Summary and Context:*

- Bars all nonessential travel across the U.S.-Mexico border, including tourism and day shopping.

### **20. Restriction of Nonessential Travel on U.S.-Canada Border**

*Date:*

- Implemented March 23, 2020 for 30 days ([DHS Statement](#))
- Reimplemented April 21, 2020 for 30 days ([DHS Statement](#))
- Reimplemented May 19, 2020 for 34 days ([DHS Statement](#))

*Summary and Context:*

- Bars all nonessential travel across the U.S.-Canada border, including tourism and day shopping.

## **Actions Impacting Essential Immigrant Workers and Trainees**

## **21. Closure of USCIS Offices – *Concerning Action***

### *Date:*

- Implemented March 17, 2020 for 15 days ([USCIS Statement](#))
- Reimplemented April 1, 2020 for 32 days ([USCIS Statement](#))
- Reimplemented April 24, 2020 for 41 days ([AILA Record](#))
- USCIS offices began reopening June 4 ([USCIS Statement](#))

### *Summary and Context:*

- Closes U.S. Citizenship and Immigration Services offices and suspends routine services. Impacts all temporary workers, international students and trainees, DACA and TPS holders, and other immigrants who need to access processes such as renewing work authorizations or naturalization from inside the U.S.
- Results in significant financial shortfall for USCIS, which depends almost exclusively on processing fees.

## **22. Suspension of Premium Processing for Worker Petitions – *Concerning Action***

### *Date:*

- Implemented indefinitely March 20, 2020 ([USCIS Statement](#))
- USCIS began resuming premium processing for some forms on June 1, 2020 ([USCIS Statement](#))

### *Summary and Context:*

- Stops allowing expedited processing of I-140 and I-129 employer petitions for foreign workers.
- Impacts hundreds of thousands of potential workers and businesses, including hospitals and healthcare providers.

## **23. Student Visa Flexibility**

### *Date:*

- Implemented indefinitely March 9, 2020 ([ICE Guidance](#))

### *Summary and Context:*

- Allows “temporary adaptations” for students and Optional Practical Training program workers to participate in remote learning or telework.

## **24. Guestworker Visa Processing Allowance**

### *Date:*

- Implemented March 19, 2020 ([News Item](#))

### *Summary and Context:*

- Resumes processing for H-2A seasonal farmworkers and H-2B seasonal nonagricultural workers despite suspension of routine embassy visa services.

## **25. Waiving of In-Person Requirement for I-9 Processing**

*Date:*

- Implemented March 20, 2020 for 60 days ([ICE Statement](#))
- Extended on May 14, 2020 for 30 days ([ICE Statement](#))

*Summary and Context:*

- Waives requirement to inspect employment ID documents for remote workers.

## **26. Issuance of Labor Certifications Offered Electronically**

*Date:*

- Implemented March 24, 2020 for 99 days ([DOL Statement](#))

*Summary and Context:*

- Allows PERM labor certifications, required before employers can hire certain foreign workers, to be issued electronically.

## **27. Waiver of Interview Requirement for Some Temporary Guestworkers**

*Date:*

- Implemented Indefinitely March 26, 2020 ([State Department Statement](#))

*Summary and Context:*

- Waives in person visa interviews for certain H-2A seasonal farmworkers and H-2B seasonal nonagricultural workers.

## **28. Waiver of Biometric Submission for those with Records on File**

*Date:*

- Implemented indefinitely March 30, 2020 ([USCIS Statement](#))

*Summary and Context:*

- Allows those, including DACA recipients, to renew their work authorization without needing to resubmit biometric data.
- This will remain in effect until Application Support Centers (ASCs) are open for appointments to the public.

## **29. Expansion of Flexibility for those Responding to USCIS Requests**

*Date:*

- Implemented March 27, 2020 for 60 days ([USCIS Statement](#))
- Ended on May 1, 2020

*Summary and Context:*

- Grants extensions to those responding to numerous kinds of USCIS requests, including requests for evidence and notices of intent to deny (NOIDs).

## **30. Retraction of H-2B Visa Expansion**

*Date:*

- Implemented April 2, 2020 ([DHS Statement](#))

*Summary and Context:*

- Rescinds 35,000 additional H-2B seasonal nonagricultural positions that had been announced on March 5, 2020.

### **31. Allowance of Visa Processing for Doctors**

*Date:*

- Implemented indefinitely April 8, 2020 ([State Department Statement](#))

*Summary and Context:*

- Continues visa processing for healthcare workers and medical professionals during the COVID-19 pandemic.

### **32. Additional Flexibility for H-2A Agricultural Guestworkers**

*Date:*

- Implemented April 15, 2020 ([DHS Statement](#))

*Summary and Context:*

- Allows H-2A agricultural guestworkers to remain in the U.S. for over 3 years and makes it easier for farmers to employ H-2A guestworkers already in the U.S..

### **33. Waiver of Medical Requirements for H-1B Doctors**

*Date:*

- Implemented May 11, 2020 until the end of the declared public health emergency. ([USCIS Statement](#))

*Summary and Context:*

- Waives 40-hour work week requirement for some H-1B doctors affected by COVID-19
- Allows telehealth work for H-1B physicians.

### **34. Removal of Certain Limitations to H-2B Nonagricultural Guestworkers**

*Date:*

- Implemented May 14, 2020 ([Temporary Final Rule in the Federal Register](#))
- Effective through May 15, 2023 ([Federal Register](#))

*Summary and Context:*

- Allows some H-2B workers to stay in the U.S. past the termination of their status.
- Waives touch-back requirements for H-2B workers.

### **35. Exemption of Certain Professional Athletes from Travel Restrictions**

*Date:*

- Implemented May 22, 2020 (DHS Statement)
- Updated June 1, 2020



*Summary and Context:*

- Provides a national interest exemption from COVID-19 related travel bans to certain professional athletes, their spouses, dependents and essential staff.

## **Individuals with Pending Immigration Court Cases**

### **36. Postponement of Immigration Hearings and Closure of Courts**

*Date:*

- Implemented March 17, 2020 ([DOJ Statement](#))
- 2 of 69 immigration courts remain closed as of June 9, 2020 ([DOJ List](#))

*Summary and Context:*

- Postpones hearings for all non-detained immigration hearings and closure of 10 immigration courts.
- Continues hearings for detained immigrants, including unaccompanied children.
- Allows many removals and deportations to continue during the pandemic, and increases risk of COVID-19 exposure to immigration judges, lawyers, court workers, and immigrants.

### **37. Closure of Seattle Immigration Court**

*Date:*

- Implemented March 3, 2020 ([DOJ Statement](#))
- Reopened on June 4, 2020 ([USCIS Statement](#))

*Summary and Context:*

- Closes Seattle Immigration Court after employee tests positive for COVID-19.

### **38. Temporary Varick, New York Immigration Court Closure**

*Date:*

- Closure March 23, 2020 ([DOJ Statement](#))
- Reopens March 24, 2020 ([DOJ Statement](#))

*Summary and Context:*

- 1 day closure and reopening of New York City Immigration Court after a positive case of COVID-19.

### **39. Allowance of Scanned Signatures**

*Date:*

- Implemented indefinitely April 6, 2020 ([DOJ Statement](#))

*Summary and Context:*

- Allows scanned or electronically reproduced signatures for certain immigration court documents.

## **Actions Impacting Individuals Subject to Interior Enforcement and Removal**

### **40. Suspension of Removals of Sick Individuals**

*Date:*

- Implemented March 15, 2020 ([ICE Statement](#))
- Updated April 17, 2020 ([ICE Statement](#))

*Summary and Context:*

- Ends deportations of all those with a 100.4-degree fever.
- Does not require COVID-19 testing of deportees.
- Detainees with a temperature of 99 degrees or higher must be immediately referred to a medical provider for evaluation before removal.

### **41. Cancellation of ICE In-Person Check-Ins**

*Date:*

- Implemented indefinitely March 17, 2020 ([ICE Statement](#))

*Summary and Context:*

- Suspends in-person check-ins for immigrants considered low priority for removal, allows newly released immigrants at the border an additional 30 days to check in.

### **42. Restrictions to ICE Enforcement Activities**

*Date:*

- Implemented March 18, 2020 ([ICE Statement](#))

*Summary and Context:*

- Suspends arrests of those who are not “public safety risks or individual subject to mandatory detention based on criminal grounds.” Deputy Secretary of DHS Ken Cuccinelli [has clarified](#) that some non-priority arrests will still occur.
- ICE Enforcement and Removal Operations (ERO) will focus enforcement on so-called “public-safety risks” and individuals with criminal backgrounds.

### **43. Limitation on Deportation Flights**

*Date:*

- Implemented indefinitely March 18, 2020 ([ICE Statement](#))

*Summary and Context:*

- Suspends all removal flights to Italy, China and South Korea

## **Actions Impacting Travel of U.S. Citizens and Residents**

### **44. Repatriation of Americans from Abroad**

*Date:*

- Implemented January 29, 2020 ([State Department Statement](#))
- Updated statistics released on June 4, 2020 ([State Department Statement](#))

*Summary and Context:*

- Begins repatriation of American citizens and others who were abroad when the spread of COVID-19 began.
- As of June 4, 2020 the State Department has coordinated the repatriation of 100,254 Americans from 136 countries and territories.

#### **45. Closure of CBP Trusted Traveler Program**

*Date:*

- Implemented March 18, 2020 ([CBP Statement](#))
- Extended May 26, 2020 for 41 days ([CBP Statement](#))

*Summary and Context:*

- Closes CBP operations of Trusted Traveler Program, which allows the expedited entry of pre-approved travelers.

#### **46. Limitation on U.S. Passport Processing**

*Date:*

- Implemented indefinitely March 20, 2020 ([State Department Statement](#))
- Updated June 2, 2020 ([State Department Statement](#))

*Summary and Context:*

- Suspends in-person passport processing services except for in “life-or-death” emergencies.

#### **Sources:**

1. American Immigration Lawyers Association, “Resource Center: 2019 Novel Coronavirus (COVID-19),” <https://www.aila.org/advo-media/issues/all/covid-19>
2. Bier, David, CATO Institute, “Timeline and List of U.S. Immigration Actions on COVID-19,” <https://www.cato.org/blog/timeline-list-us-immigration-actions-covid-19>
3. Boundless, “Latest Updates: Coronavirus and Immigration,” <https://www.boundless.com/blog/coronavirus-immigration/>