

President Biden Lifts Travel Ban on New Green Card Holders

On Wednesday, February 24, 2021, President Joe Biden issued a proclamation revoking the Trump administration's orders preventing foreign nationals from moving to the United States on new permanent resident cards (or "green cards" as they are often referred to), saying the orders failed to advance American interests. Biden's proclamation revokes former President Trump's Proclamation 10014 and its two extensions ahead of their expected March 31, 2021, expiration date.

Trump first enacted the travel ban in April 2020 for the purpose of protecting U.S. workers who lost their jobs during the COVID-19 pandemic. However, President Biden's proclamation indicated that the travel ban did not advance those interests. Specifically, President Biden noted that Proclamation 10014 "harms the United States, including by preventing certain family members of United States citizens and lawful permanent residents from joining their families here. It also harms industries in the United States that utilize talent from around the world."

The presidential proclamation from April 22, 2020, (Proclamation 10014) suspended entry into the United States of certain categories of immigrants for a period of 60 days, citing health concerns due to COVID-19. The June 22, 2020, proclamation (Proclamation 10052) extended the provisions of Proclamation 10014 through December 31, 2020.

President Biden's proclamation from February 24, 2021, did not address the fate of work visa holders targeted under Trump's Proclamation 10052. Although President Biden rescinded the portion of that order extending the green card ban, he left intact the sections temporarily barring several types of work visa holders from entering the United States, including H-1B, H-2B, J-1, and L-1 visa applicants. However, President Biden noted the plight of the 2020 diversity visa winners in his Wednesday proclamation. He stated, "Proclamation 10014 has prevented these individuals from entering the United States, resulting, in some cases, in the delay and possible forfeiture of their opportunity to receive Fiscal Year 2020 diversity visas and to realize their dreams in the United States."

In the same proclamation, Biden directed the U.S. Secretaries of State, Labor and Homeland Security to review and address any regulations, policies and "any other similar agency actions" created under Trump's ban. In court filings, advocates say the State Department's no-visa policy has left it with a backlog of 473,000 family-based visa applications. Litigation over the ban continues around the country, with courts mulling Trump's authority to restrict immigration for his stated economic reasons.

We will continue to monitor any additional actions taken by the Biden administration relating to immigration and will provide updates.



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